



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.898 of 2021

WEB COPY

K.Pushpavalli

... Petitioner/
Mother of the Detenu

Vs.

1.The State of Tamil Nadu,
rep. by the Additional
Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and
District Magistrate,
O/o.The District Collector
and District Magistrate,
Nagapattinam District,
Nagapattinam.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records, relating to the Detention Order passed in C.O.C.No.16 of 2021 dated 04.06.2021 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely, Karthik @ Karthikeyan, S/o.Kuppusamy, male, aged about 38 years, who is detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner is the mother of the detenu, namely, Karthik @ Karthikeyan, S/o.Kuppusamy, male, aged about 38 years. The detenu



has been detained by the second respondent by his proceedings in C.O.C.No.16 of 2021 dated 04.06.2021, holding him to be a "Goonda", as contemplated under 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner would contend that there is a violation of Section 8(1) of the said Act.

4. Section 8(1) of the Act reads as follows :

"8.(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government."

5. It is seen from the records that though the detention order was passed by the second respondent on 04.06.2021, the book let was furnished to the detainee only on 10.06.2021, which is beyond the 5 days period contemplated under Section 8(1) of the said Act. The impugned detention order is, therefore, liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.O.C.No.16 of 2021 dated 04.06.2021, passed by the second respondent is set aside. The detenu, namely, Karthik @ Karthikeyan, S/o.Kuppusamy, male, aged about 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.
- 4.The Joint Secretary to Government,
Public (Law and Order),
Fort. St.George,
Chennai-9
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.898 of 2021
10.02.2022

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