



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.775 of 2022

K.Devilal

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.

2.The District Magistrate and District Collector,
Viruthunagar District, Viruthunagar.

3.The Superintendent,
Central Prison,
Madurai.

4.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Viruthunagar.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the Detention Order passed by the second respondent in Detention Order Crmp.No.8/2021 dated 13.09.2021 and to quash the same and direct the respondents to produce the body or person of the detenu Dineshkumar S/o. Devilal, aged about 22 years, before this Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.S.Ravi,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by *P.N.PRAKASH, J.*]

The petitioner is the father of Dineshkumar, aged about 22 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.08/2021 (GOONDA) dated



13.09.2021, holding him to be a "Goonda", as contemplated under Section 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 appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the initial remand order pertaining to the ground case placed before the detaining authority has not been furnished to the detenu, which caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition.

5. A perusal of the booklet would go to show that the initial remand order pertaining to the ground case placed before the detaining authority has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above materials would obviously deprive of his opportunity to make effective representation and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of Detention Crmp.No.8/2021 dated 13.09.2021, passed by the second respondent is set aside. The detenu, viz., Dineshkumar, son of K.Devilal, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Pkn

To

1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.



2.The District Magistrate and District Collector,
Viruthunagar District, Viruthunagar.

3.The Superintendent,
Central Prison,
Madurai.

4.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Viruthunagar.

5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P.No.775 of 2022
22.06.2022

RD(04.07.2022) 3P 7C