



HCP(MD)No.1083 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.1083 of 2022

Gomathi

: Petitioner

Vs.

- 1.State of Tamil Nadu, rep. by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
For St. George,
Chennai – 600 009.
- 2.The District Collector cum District Magistrate,
Pudukottai District,
Pudukottai.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.

: Respondents



HCP(MD)No.1083 of 2022

WEB COPY

PRAYER: 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 P.D.O.No. 70/2021 dated 22.12.2021 and quash the same and direct the respondents to produce the body or person of the detenu namely Manikandan @ Blade Mani S/o. Thambiyappan aged about 28 years (now detained at Central Prison, Tiruchirappalli) before this Court and set him at liberty.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

O R D E R

[Made by **P.N.PRAKASH, J.**]

The petitioner is the wife of the detenu viz., Manikandan @ Blade Mani, aged about 28 years, son of Thambiyappan. The detenu has been detained by the second respondent by his order in P.D.O.No. 70/2021 dated 22.12.2021, holding him to be a "Goonda", as



HCP(MD)No.1083 of 2022

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. We have also perused the records produced by the Detaining Authority.

3.In this case, the order and grounds of detention were served on the detenu while he was in prison, in connection with the ground case on 22.12.2021, but whereas, the relied upon documents and the booklet was served on him only on 28.12.2021, as could be seen from the endorsement of the prison authorities thereon. Under Section 8(1) of the Act 14 of 1982, the grounds of detention and the relied upon documents have to be served on the detenu within five [5] days from the date of service of the order of detention. Thus, in this case, the same has not been complied with.

4.In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.O.No.70/2021 dated 22.12.2021, passed by the second respondent is set aside. The detenu, viz., Manikandan @



HCP(MD)No.1083 of 2022

Blade Mani, aged about 28 years, son of Thambiyappan, is directed to be released forthwith unless his detention is required in connection with any other case.

[P.N.P.J.] & [R.H.,J.]

10.08.2022

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



HCP(MD)No.1083 of 2022

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
For St. George,
Chennai – 600 009.

2.The District Collector cum District Magistrate,
Pudukottai District,
Pudukottai.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

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



WEB COPY



HCP(MD)No.1083 of 2022

P.N.PRAKASH, J.
and
R.HEMALATHA, J.

MR

ORDER MADE IN
H.C.P.(MD)No.1083 of 2022

10.08.2022