



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.1479 of 2021

E.R.Chandrakasan

... Petitioner

Vs.

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The District Collector and District Magistrate,
District Collector's Office,
Tanjore, Tanjore District.

3.The Superintendent of Prison,
Central Prison,
Trichy, Trichy District.

...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 pertaining to the impugned Detention Order passed by the second respondent made in his proceedings in Detention Order P.D.No.70/2021, dated 27.06.2021 in detaining the detenu under Section 2(f) the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents herein to produce the detenu namely, Viji @ Rajadurai, S/o.Chandrakasan, aged about 32 years, who is detained Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.S.Ravi,

Additional Public Prosecutor.

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner is the wife of the detenu, namely, Viji @ Rajadurai, S/o.Chandrakasan, aged about 32 years. The detenu has been detained by the second respondent by his order in P.D.No.70/2021, dated 27.06.2021, 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 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. The detaining authority has observed that the petitioner is in the habit of indulging in criminal offences continuously, which shows lack of non-application of mind. Infact, except this case, no other case is pending as on the date of passing the detention order. Similarly, the detaining authority has also come to the conclusion that the detenu is likely to be released on bail on the ground that in similarly placed case, bail was granted. The fact that in similar application bail has been granted, cannot be considered mechanically, since the bail is normally granted taking into consideration of the facts of the particular case.

4. In such view of the matter, we are of the view that the detaining authority had mechanically passed the order anticipating the release of bail, which shows clear non-application of mind on the part of the detaining authority and further we are also brought to the notice of the fact that the detaining authority has not furnished the translated copies of the documents in tamil version in similar case. The impugned detention order is, therefore, liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.70/2021, dated 27.06.2021, passed by the second respondent is set aside. The detenu, namely, Viji @ Rajadurai, S/o.Chandrakasan, aged about 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-I)

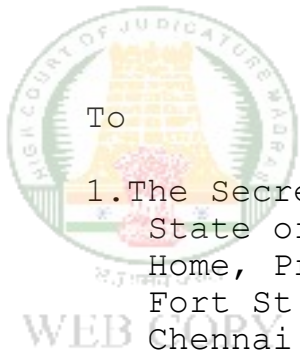
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/ /2022

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 Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
District Collector's Office,
Tanjore,
Tanjore District.
- 3.The Superintendent of Prison,
Central Prison,
Trichy,
Trichy District.
4. The Joint Secretary to Government,
Public (Law & Order), Fort Saint George, Chennai
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**H.C.P (MD) .No.1479 of 2021
15.02.2022**

nsn(CO)
TR(28.02.2022) 3P 6C