



WEB COPY

CRL MP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Friday, the Sixteenth day of September Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

AND

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL MP(MD). No.10306 of 2022

IN

HCP(MD)1692 OF 2021

Mariammal

... Petitioner/Proposed respondent

Vs

1 The Additional Chief Secretary to Government,
State of Tamilnadu,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009

2 The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate
Tirunelveli District, Tirunelveli

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

...Respondent/Respondents

4 Maharajan Alias Raja

... Respondent/Petitioner

Prayer :-

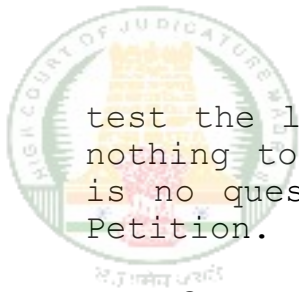
This Criminal Miscellaneous petition filed under Article 226 of Constitution of India, to implead the petitioner as party respondents to H.C.P (MD) No. 1692 of 2021 and pass such other orders

ORDER:- This Criminal Miscellaneous petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Prakash, advocate for Petitioner Mr.A.Thiruvadi Kumar. ,Additional Public Prosecutor, for the respondents, this Court made the following order:

This Impleading Petition has been filed by victim seeking to implead herself and make objections in the Habeas Corpus Petition.

2.In the considered view of this Court, there is no scope for impleading anyone in a Habeas Corpus Petition, where detention order is put to challenge. The scope of the main petition itself is to

<https://www.mhctn.gov.in/judis>



test the legality or otherwise of the detention order and is nothing to be considered beyond the detention order. Hence, there is no question of permitting anyone to implead in a Habeas Corpus Petition.

3.A reference is also made to the earlier Judgment of the Division Bench of Telangana High Court, made in **WP.Nos.41946, 41954 and 41955 of 2018** dated **26.04.2019**, in the case of **T.Padmaja and Others vs. the State of Telangana, Represented by its Principal Secretary, GAD (L&O) Dept., Secretariat Bldgd., Hyd., and Others.** The relevant portion of the aforesaid Judgment is extracted hereunder:

"41. Before parting, we should also deal with the applications for impleading filed by the unfortunate father of the boy who was murdered. In his applications for impleading in these three writ petitions, the father of the deceased has poured out the agony that his family went through.

42. As human beings, we share the agony of the family members of the victim. But, unfortunately, there is no scope for any third party to intervene in a Writ of Habeas Corpus for quashing orders of preventive detention. While the victims have a right to seek justice in the criminal cases filed against the perpetrators of the crime, they cannot seek to justify orders of preventive detention. Therefore, the applications for impleading are dismissed."

4.In view of the above, this Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

TO

- 1 The Additional Chief Secretary to Government,
State of Tamilnadu,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.



- 2 The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate
Tirunelveli District, Tirunelveli.
- 3 The Superintendent of Prison,
Trichy Central Prison Trichy District.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 16/09/2022

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ORDER
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CRL MP(MD) . No.10306 of 2022
IN
HCP(MD)1692 OF 2021

Giving direction and etc.
as stated within.

SS/24/09/2022/ 3P 5C