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H.C.P.No.2068 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2068 of 2023

Mrs.Maheswari
W/o Viswanathan

..
v.

Petitioner

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

2. The Commissioner of Police
Tiruppur Commissionerate
Tiruppur District

3. The Superintendent
Central Prison, Coimbatore
Coimbatore District

4. The Superintendent of Police
Tiruppur, Tiruppur District

5. The Inspector of Police
Nallur Police Station, Tiruppur City
Tiruppur District

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the entire records leading to the detention of the petitioner's son namely Dinesh alias Mariyappan, S/o Viswanathan, aged about 26 years, vide detention order dated 10.08.2023 on the file of the 2nd respondent herein made in the proceedings in C.O.39/G/IS/Tiruppur City/2023, quash the same and consequently direct the respondents herein to produce the body of the detenu Dinesh alias Mariyappan, S/o Viswanathan, aged about 26 years, before this Honble Court and thereafter set him at liberty, who is now confined in Central Prison, Coimbatore.

For Petitioner :: Mr.R.Thamaraiselvan

For Respondents :: Mr.E.Raj Thilak
 Additional Public Prosecutor
 assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner, who is the mother of the detenu, namely, Dinesh alias Mariyappan, aged 26 years, S/o Vishwanathan, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 10.08.2023 slapped on her son, branding him as 'Goonda' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video



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Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

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2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel appearing for the petitioner submitted that the impugned order is liable to be quashed on the sole ground that the detaining authority has relied upon an extraneous material while forming his subjective satisfaction, which vitiates the order of detention.

4. This Court perused page-156 of the booklet, wherein a news report dated 19.06.2023 relating to the occurrence in the ground case is found published. The detaining authority has arrived at the subjective satisfaction based on the said news report, which is an extraneous material, while passing the detention order against the detenu. In view of the fact that the detention order has been passed relying upon an extraneous material, this Court is convinced that the impugned order is vitiated for non-application of



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mind and the same is liable to be quashed.

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5. Accordingly, the detention order passed by the 2nd respondent dated 10.08.2023 in C.No.39/G/IS/Tiruppur City/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Dinesh alias Mariyappan, S/o Vishwanathan, aged 26 years, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

20.12.2023

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To

1. The Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai 600 009
2. The Commissioner of Police
Tiruppur Commissionerate
Tiruppur District
3. The Superintendent
Central Prison, Coimbatore



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4. The Superintendent of Police
Tiruppur, Tiruppur District
5. The Inspector of Police
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Tiruppur District
6. The Public Prosecutor
High Court, Madras



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SUNDER MOHAN,J.

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