



H.C.P.No.2207 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.2207 of 2023

Karbagavalli
W/o Pandiyarajan .. Petitioner

v.

1. The Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009
2. Commissioner of Police / Detaining Authority
Tiruppur City, Tiruppur
3. The Superintendent
Central Prison
Coimbatore
4. State rep by:
The Inspector of Police
Nallur Police Station
Tiruppur District .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Habeas Corpus, to call for the records in



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connection with the order of detention passed by the 2nd respondent dated 10.08.2023 in C.No.38/G/IS/Tiruppur City/2023 against the petitioner's husband Pandiyarajan, M/27 years, Son of Govindarajan, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenu before the Honble Court and set him at liberty.

For Petitioner :: Mr.A.Saranraj

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 wife of the detenu, namely, Pandiyarajan, aged 27 years, S/o Govindarajan, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 10.08.2023 slapped on her husband, 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 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 considering irrelevant material.



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5. Accordingly, the detention order passed by the 2nd respondent dated 10.08.2023 in C.No.38/G/IS/Tiruppur City/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Pandiyarajan, S/o Govindarajan, aged 27 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

ss

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5. The Public Prosecutor
High Court, Madras



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AND

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SS

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