



HCP(MD)No.55 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.55 of 2023

K.Dhanalakshmi

.. Petitioner /Wife of Detenu

Vs.

1.The State of Tamil Nadu

Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai – 9.

2.The District Magistrate/District Collector,

Thoothukudi District,
Thoothukudi – 628 101.

3.The Superintendent,

Central Prison,
Palayamkottai,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the second respondent in H.S.(M) Confdl.No.256/2022 dated 30.11.2022, quash the same and direct the



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respondents to release the detenu namely K.Kannan son of Karuppasamy, aged 48 years, Reguramapuram Village, Vowalthothi – 628 904, Vilathikulam Taluk in Thoothukudi District now detained at Central Prison, Palayamkottai and set him at liberty.

For Petitioner : M/s.S.Mahalakshmi

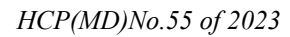
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Kannan, aged about 48 years, S/o.Karuppasamy. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl.No.256/2022 dated 30.11.2022 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 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.



5. On carefully going through the detention order, it is seen that in the order that was relied upon by the detaining authority in CrI.O.P.(MD).No.14353/2022 dated 10.08.2022, the accused therein was enlarged on bail taking into account the fact that the co-accused therein had



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already undertaken to settle the entire issue. Hence, the order that was relied upon by the detaining authority cannot be considered to be an order passed in a similar case.

6. In view of the above, the detention order suffers from non application of mind and the same is liable to be interfered with by this Court. The impugned detention order is, therefore, liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl.No.256/2022 dated 30.11.2022 passed by the second respondent is set aside. The detenu, viz., Kannan, S/o.Karuppasamy, aged about 48 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
21.07.2023

NCC : Yes / No
Index : Yes / No
Lm/mbi



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To

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1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai – 9.
2. The District Magistrate/District Collector,
Thoothukudi District,
Thoothukudi – 628 101.
3. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.
4. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George,
Chennai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

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