



HCP(MD)No.68 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.07.2023

CORAM

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

H.C.P.(MD)No.68 of 2023

T.Karuppasamy

.. Petitioner/Brother of the Detenu

Vs.

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

2.The District Magistrate and District Collector,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records leading to the detention of the petitioner's brother namely, T.Pathirakalimuthu @ Muthupandi, aged about 26 years, S/o.Thangamani, vide detention order dated 13.12.2022, made in H.S.(M)Confdl.No.262/2022, passed by the second respondent, quash the same and consequently, direct the respondents



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to produce the body or person of the detenu, now detained at Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.K.Suyambulinga Bharathi

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the brother of the detenu viz., T.Pathirakalimuthu @ Muthupandi, aged about 26 years, S/o.Thangamari. The detenu has been detained by the second respondent by his order in H.S.(M)Confdl.No. 262/2022, dated 13.12.2022, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the copy of the first remand order and the



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remand extension order have not been furnished to the detenu in vernacular language, despite the same has been sought for by the petitioner in his representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, the representation made by the petitioner dated 27.12.2022, he had sought for the first remand order and the remand extension order in vernacular language, however, the same has not been furnished to the detenu, which vitiates the order of detention.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M)Confdl.No.262/2022, dated 13.12.2022, passed by the second respondent is set aside. The detenu, viz., Pathirakalimuthu @ Muthupandi, aged about 26 years, S/o.Thangamari, is directed to be released forthwith unless his detention is required in connection with any other case.

NCC : Yes / No
Index : Yes / No
smn2/RR

(M.S.R., J.) (M.N.K., J.)
25.07.2023



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To

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1. The Additional Chief Secretary to Government of Tamil Nadu,
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2. The District Magistrate and District Collector,
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Thoothukudi.
3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
4. 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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