



HCP(MD)No.427 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.09.2023

CORAM

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

H.C.P.(MD)No.427 of 2023

Ammachiyar

.. Petitioner

Vs.

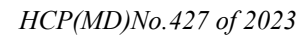
1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009.

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

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

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records pertaining to the impugned detention order passed by the 2nd respondent made in H.S.(M) Confdl..No.37/2023 dated 27.02.2023 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely, Siva @ Sivaramalingam, S/o.Muthupandi, male aged about



For Petitioner : Mr.K.M.Karunakaran
For Respondents : Mr.A.Thiruvadikkumar
Additional Public Prosecutor

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

The petitioner is the wife of the detenu viz., Siva @ Sivaramalingam S/o.Muthupandi, aged about 31 years. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl. No.37/2023 dated 27.02.2023 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.



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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 initial remand order has not been furnished to the detenu, 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. The learned Additional Public Prosecutor has made strong objections to allow this petition.

5. 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 24.01.2023, he had sought for the initial remand order, however, the same has not been furnished to the detenu, which vitiates the order of detention.



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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl. No.37/2023 dated 27.02.2023 passed by the second respondent is set aside. The detenu, viz., Siva @ Sivaramalingam, aged about 31 years S/o.Muthupandi, 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.)
25.09.2023

NCC :Yes / No
Internet : Yes

RR

To

- 1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009.
- 2.The Joint Secretary
Public Law and Order
Secretariat, Chennai.
- 3.The District Collector and District Magistrate
Thoothukudi District, Thoothukudi.
- 4.The Superintendent of Prison,
Central Prison, Palayamkottai
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
M.NIRMAL KUMAR,J.

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