



H.C.P.(MD) No.1190 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

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J.Jeyanthi

... Petitioner

-VS-

1.The State of Tamilnadu
rep.by the Additional Chief
Secretary to Government
Home, Prohibition
and Excise Department
Secretariat, Chennai-9

2.The District Collector &
District Magistrate
Thoothukudi District
Thoothukudi

3.The Superintendent of Prison
Central Prison
Palayamkottai
Tirunelveli District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records in detention order in H.S. (M) Confdl.No.119/2022, dated 23.06.2022, on the file of the second respondent and quash the same and direct the respondents herein to produce the detenu, namely, Selvakumar, son of Lakshmanaperumal, aged about 25 years, now confined in Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Saravana Kumar

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

P.N.PRAKASH, J.
and
DR.G.JAYACHANDRAN, J.

The preventive detention order dated 23.06.2022, passed by the second respondent, is under challenge in this habeas corpus petition filed by the wife of the detenu.



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2. Though several points are canvassed before this Court challenging the validity of the impugned detention order, this Court, on perusing the records, is convinced that it is an isolated case, where the detenu, who came on leave from Army due to a property dispute, committed murder of his brother and was arrested by the Police on 27.05.2022 at 13.00 hours.

3. The Detaining Authority, being satisfied that release of the detenu is really possible and if he comes out on bail, there is a possibility of breach of public order and maintenance of peace, has passed the impugned detention order. However, there is no substantive material to support his subjective satisfaction as pointed out earlier as it is an isolated case and further, there is no material to apprehend that the detenu is likely to cause any disturbance to the public peace and tranquillity. Hence, for non-application of mind, this Court is of the view that the impugned detention order is liable to be quashed.

4. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl.No.119/2022, dated 23.06.2022, passed



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by the second respondent is set aside. The detenu, viz., Selvakumar, son of Lakshmanaperumal, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[P.N.P., J.]

[G.J., J.]

06.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To:

- 1.The Additional Chief
Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamilnadu,
Secretariat, Chennai-9.
- 2.The District Collector &
District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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