



H.C.P.(MD) Nos.1193 to 1195 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)Nos.1193 to 1195 of 2022

Shanthi	... Petitioner / Mother of the Detenu in H.C.P.(MD)No.1193 of 2022
Rukmani	... Petitioner / Mother of the Detenue in H.C.P.(MD)No.1194 of 2022
Suriyakala	... Petitioner / Mother of the Detenue in H.C.P.(MD)No.1195 of 2022

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai- 600 009.
 - 2.The District Collector and District Magistrate,
Thanjavur District, Thanjavur.
 - 3.The Superintendent of Prison,
Central Prison, Tiruchirappalli.
- ...Respondents in all H.C.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention orders of the 2nd respondent in P.D.Nos.73, 71



H.C.P.(MD) Nos.1193 to 1195 of 2022

& 72 of 2022, dated 25.06.2022 in detaining the detenues 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 detenus, namely, Kumaresan, S/o.Balu, Male aged 26 years, Idli Karthi @ Karthikeyan, S/o.Periyasamy, Male, aged 32 years and Manikandan, S/o.Babu, Male aged 29 years, who are detained at Central Prison, Trichy before this Court and set them at liberty forthwith.

For Petitioners : Mr.K.M.Karunakaran

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

COMMON ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioners are the mothers of the detenues, namely, Kumaresan, S/o.Balu, Male aged 26 years, Idli Karthi @ Karthikeyan, S/o.Periyasamy, Male, aged 32 years and Manikandan, S/o.Babu, Male aged 29 years. The detenus have been detained by the 2nd respondent by his proceedings in P.D.Nos.73, 71 & 72 of 2022, dated 25.06.2022, holding them to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said orders are under challenge in these Habeas Corpus Petitions.



H.C.P.(MD) Nos.1193 to 1195 of 2022

2.Heard the learned counsel for the petitioners and the learned

Additional Public Prosecutor for the respondents.

3.We have perused the grounds of detention, where the detaining authority for having subjective satisfaction has stated that by committing the crime the detenues had created fear and feeling of insecurity in the minds of general public in that area and had acted in a manner prejudicial to the maintenance of the public order and public tranquility.

4.However, the material that has been projected by the prosecution shows that the alleged occurrence had taken place during night hours in the farm house of the victim. Therefore, it cannot be stated that the alleged act had created fear and feeling of insecurity in the minds of general public in that locality, therefore, it caused prejudicial to the maintenance of the public order and public tranquility in that area. If at all the detaining authority has to come such subjective satisfaction by virtue of the activities of the detenues they had created panic in the minds of general public in that locality and that caused some prejudicial to the maintenance of the public order in that locality, then certainly he would make such averment that it



H.C.P.(MD) Nos.1193 to 1195 of 2022

created some panic in that locality, but here, no such averment has been made by the detaining authority in the grounds of detention itself.

5. Therefore, if any mechanical order of detention is passed, under Article 226 of Constitution of India, certainly, we can interfere with the same. Therefore, we feel that the detention orders on the aforesaid reasons may not be justifiable and sustainable. In the result, the impugned detention orders passed by the 2nd respondent in P.D.Nos.73, 71 & 72 of 2022, dated 25.06.2022 are set aside. Hence, these Habeas Corpus Petitions are allowed. As a sequel, the 3rd respondent is hereby directed to set the detainees, namely, Kumaresan, S/o.Balu, Male aged 26 years, Idli Karthi @ Karthikeyan, S/o.Periyasamy, Male, aged 32 years and Manikandan, S/o.Babu, Male aged 29 years, at free, if their presence in the jail is not required for any other cases.

(R.S.K., J.) & (K.K.R.K, J.)

12.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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H.C.P.(MD) Nos.1193 to 1195 of 2022

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- 2.The District Collector and District Magistrate,
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD) Nos.1193 to 1195 of 2022

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12.06.2023