



HCP(MD)No.1229 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.01.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.1229 of 2022

Bagiyalakshmi

.. Petitioner/ Mother of the
Detenu

Vs.

1.State of Tamil Nadu,
Rep. by 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,
Thiruchirappalli,
Thiruchirappalli 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 records connected with the detention order passed in P.D.No.70/2022 dated 23.06.2022 on the file of the 2nd respondent herein and quash the same and to direct the respondents to produce the detenu or body of the detenu, ie., the petitioner's son, namely, Ranjith Arjun @ Aravind, aged about 27 years, son of Pandisuresh, now detained at the Central Prison, Tiruchirappalli, Tiruchirappalli District, before this Court and set him at liberty forthwith.

For Petitioner : Ms.P.Krishnaveni

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

The mother of the detenu is before this Court challenging the detention order dated 23.06.2022 slapped on her son branding him as “Goonda” under Act 14 of 1982.



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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. According to the learned counsel for the petitioner, the preventive detention order dated 23.06.2022, which is based on the sole case of murder came to be registered on 11.05.2022, bristles with infirmity and liable to be quashed. The learned counsel for the petitioner would submit that the incident alleged to have occurred due to multiple motives namely, dispute regarding the lease in respect of public toilet between two groups and secondly, the immediate cause is grazing the cattle in the field of the first accused. In both the cases, this detenu has no relevance. However, the detaining authority, without applying his mind, has passed the detention order in order to prevent the detenu from indulging such further activities in future which are prejudicial to the maintenance of public order and public peace. The learned counsel for the petitioner further submitted that even if the allegation as found in the FIR is taken as truth, it has no reason to cause fear, terror or feeling of insecurity in the mind of the people of that locality



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and therefore, the detention order has to be quashed for non-application of mind.

4. This Court, on perusing the records, find that unlike the other accused involved in this case, this petitioner has no bad antecedents and the overtact attributed to him in the ground case also does not support the reasoning of the detaining authority. Hence, the detention order is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.70/2022 dated 23.06.2022 passed by the second respondent is set aside. The detenu, viz., Ranjith Arjun alias Aravind, aged 27 years, son of Pandisuresh, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.J.,J.] & [S.M.,J.]
24.01.2023

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



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To

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

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

3. The Superintendent of Prison,
Central Prison,
Thiruchirappalli,
Thiruchirappalli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
SUNDER MOHAN, J.**

PJL

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