



H.C.P.(MD) No.1366 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

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

H.C.P.(MD) No.1366 of 2022

Indumathi

... Petitioner

-VS-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
- 2.The District Magistrate and District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Superintendent,
Madurai Central Prison,
Madurai.

... Respondents

PRAYER: Petition 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 order of the respondent No.2 in Cr.M.P.No.25/2022 dated 24.06.2022 and quash the same and direct the respondents to produce the petitioner's husband's body or



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person by name Irul @ Irulandi S/o.Karuppaiah, aged about 31 years, detained as a 'Goonda' and lodged in Madurai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr.B.Muneeswaran
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The detention order is under challenge on the ground that the detaining authority has not applied his mind properly and has passed the detention order casual and contrary to the facts.

2. The learned counsel appearing for the petitioner submitted that the ground case alleged to have occurred near burial ground and was due to previous enmity, whereas, the detaining authority while recording his satisfaction states that the crime has been committed in the public place in a busy locality, in the day time has created alarm and a feeling of insecurity in the minds of people of that



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area. Since the facts are contrary to the reasons, this Court finds that the detention order has to be quashed.

3. Accordingly, the Habeas Corpus Petition is allowed. The detention order passed in Cr.M.P.No.25/2022, dated 24.06.2022, by the 2nd respondent, is set aside. Consequently, the detenu viz., Irul @ Irulandi, S/o.Karuppaiah, aged about 31 years, who is now detained in Central Prison, Madurai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

Index : Yes / No
Internet : Yes / No
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[G.J.,J.] [S.M.,J.]
09.01.2023



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