



HCP(MD)No.1611 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2023

CORAM

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

H.C.P.(MD)No.1611 of 2022

Deepak Dhayalan

.. Petitioner /Detenu

Vs.

1.State of Tamil Nadu

Represented by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in H.S.(M)Confdl.No.178 of 2022 dated 25.08.2022 and quash the same and direct the respondents to



HCP(MD)No.1611 of 2022

produce the body or detenu namely Deepak Dhayalan, S/o.Michel Dhanasamy, aged about 44 years, (now detained at Central Prison, Palayamkottai), before this Court and set him at liberty.

For Petitioner : Mr.C.Mayilvahanarajendran

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz.,Deepak Dhayalan, S/o. Michel Dhanasamy, aged about 44 years. The detenu has been detained by the second respondent by his order in H.S.(M)Confdl.No.178/2022 dated 25.08.2022 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.



HCP(MD)No.1611 of 2022

WEB COPY

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. 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 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. 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 05.09.2022, he had sought for the initial remand order, however, the same has not been furnished to the detenu, which vitiates the order of detention.



HCP(MD)No.1611 of 2022

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M)Confdl.No.178/2022 dated 25.08.2022 passed by the second respondent is set aside. The detenu, viz., Deepak Dhayalan S/o.Michel Dhanasamy, aged about 44 years, 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.)
07.07.2023

NCC : Yes / No

Index : Yes / No

RR

To

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



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HCP(MD)No.1611 of 2022

M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

RR

H.C.P.(MD)No.1611 of 2022

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