



H.C.P(MD)No.1334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

H.C.P(MD)No.1334 of 2023

J.Anitha

... Petitioner/
wife of detenu

VS

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

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

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

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus, calling for the records relating to the detention order of the second respondent in H.S.(M) Confdl. No.80/2023 dated 10.07.2023 and quash the same and consequently direct the respondents to produce the body or person of the detenu namely Jeya Prem Singh, S/o.Rasal, aged about 42 years now detained as 'GOONDA' at Central Prison, Palayamkottai and set him at liberty forthwith.



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For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.]

When the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] was listed before us on 03.11.2023, this Bench made the following order and a scanned reproduction of the same is as follows:

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H.C.P[MD]No.1334 of 2023

M.SUNDAR, J.
and
R.SAKTHIVEL, J.

ORDER

[Order of the Court was made by M.SUNDAR, J.-]

Captioned Habeas Corpus Petition has been filed in this Court on 31.10.2023 *inter alia* assailing a 'detention order dated 10.07.2023, bearing reference H.S.(M)Confcl.No.80/2023' [hereinafter 'impugned preventive detention order' for the sake of convenience, clarity and brevity] made by 'second respondent' [hereinafter 'Detaining Authority' for the sake of convenience].

2.To be noted, the wife of the detenu is the petitioner.

3.Mr.N.Pragalathan, learned counsel on record for petitioner is before us. Learned counsel for petitioner submits that ground case *qua* the detenu is for alleged offences under Sections 454, 457 and 380 of 'the Indian Penal Code, 1860 (Act 45 of 1860)' [hereinafter 'IPC' for the sake of brevity] in Crime No.71 of 2023 on the file of Thermalnagar Police Station.

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4.The aforementioned impugned preventive detention order has been made on the premise that the detainee is a 'Goonda' under Section 2(f) of 'The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug-offenders, Forest-offenders, Goondas, Immoral traffic offenders, Sand-offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982 (Tamil Nadu Act No.14 of 1982)' [hereinafter 'Act 14 of 1982' for the sake of convenience and clarity].

5.The impugned preventive detention order has been assailed *inter alia* on the ground that the Tamil translation of remand order has not been furnished.

6.*Prima facie* case made out for admission. Admit. Issue *Rule nisi* returnable by four [4] weeks.

7.Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor accepts notice for all respondents. List the captioned Habeas Corpus Petition accordingly.


[M.S.J.] & [R.S.V.]
03.11.2023

MR

2. The aforementioned 03.11.2023 order captures all essentials, i.e., all facts that are imperative for appreciating this final order and therefore, we are not setting out the facts again in this final order. Suffice to say that aforementioned order shall be read as an integral part and parcel of this final order. Be that as it may, we are using the short forms, short references and abbreviations used in the order dated 03.11.2023 in this order also for the sake of convenience and clarity.



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3.Mr.N.Pragalathan, learned counsel on record for petitioner and

Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor for all respondents are before us.

4.There are two adverse cases and one ground case. The ground case which constitutes substantial part of substratum of the impugned preventive detention order is Crime No.71 of 2023 on the file of Thermalnagar Police Station for alleged offences under Sections 454, 457, 380 of IPC. Considering the nature of the challenge to the impugned preventive detention order, it is not necessary to delve into the factual matrix of the case.

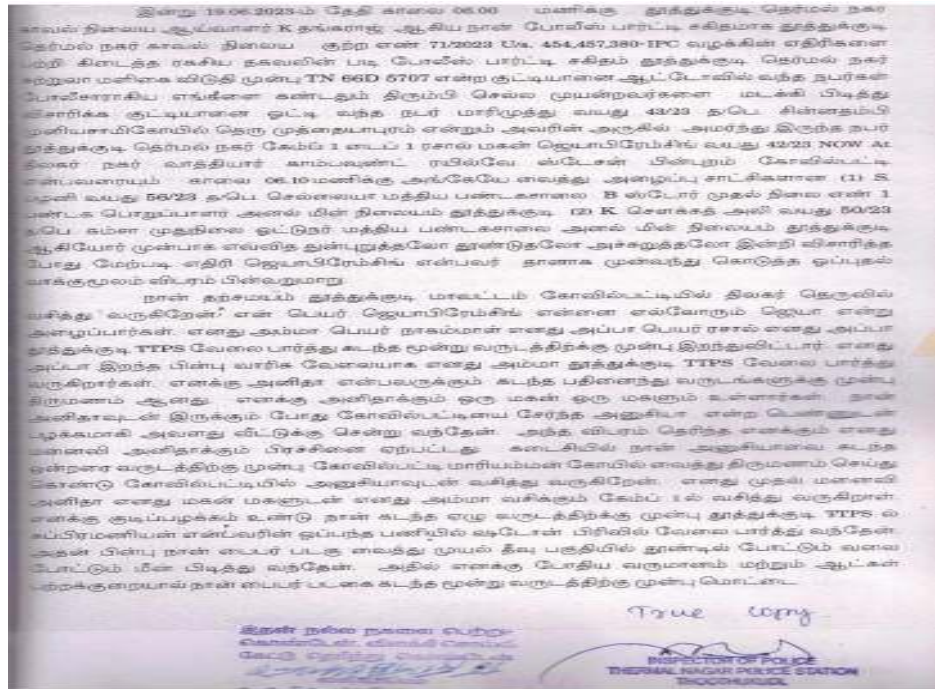
5.As would be evident from the Admission Board order, at the time of admission, learned HCP petitioner posited his argument qua challenge to the impugned preventive detention order on the ground that Tamil translation of remand order had not been furnished to the detenu. However, today learned counsel changed his line of attack and submitted that there is a straight forward infraction of Section 8(1) of Act 14 of 1982. The detention order together with the rubber stamp of the jail authority showing the service of the same is as follows:



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6.The last page of the index pages of the grounds booklet together with the rubber stamp is as follows:

53.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.00 மணிக்குள்ள	தமிழ்	193
54.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	195
55.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	197-205
56.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	207-211
57.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	213-217
58.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	219-223
59.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	225-227
60.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	229-231
61.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	233
62.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	235
63.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	237-241
64.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	243-249
65.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	251-255
66.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	257-261
67.	சைவ வழங்கின் குற்றங்கள் நகல்	19.06.23-ஆம் தேதிப்பட்ட	11.15 மணிக்குள்ள	தமிழ்	263-265



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The above would demonstrate that the impugned preventive detention order is dated 10.07.2023, it has been served on the detenu on 17.07.2023 (date of arrest pursuant to the impugned preventive detention order) but the grounds booklet has been served on the detenu only on 24.07.2023.

7.In support of his contention, learned counsel pressed into service an order made by a Division Bench of this Court in **Vasanthi Vs. The Additional Chief Secretary to Government and others** reported in **2023/MHC/4028** (Neutral Citation of this Court i.e., Madras High Court) and a scanned reproduction of the same is as follows:



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on 22.07.2023 and one around case (occurrence on 28.06.2023). It is also submitted that in the advance case bail has already been granted by the Court concerned. Moreover, in the ground case, bail petition has been dismissed. Be that as it may, adhering to the grounds booklet served on the detenu, learned counsel submits that the grounds booklet has been served on the detenu only on 06.07.2023 and the next argument, viz, this is a direct infraction of Section 8(1) of Tamil Nadu Act 14 of 1962. It may also pointed out that the expression 'the grounds on which the order has made' occurring in Section 8(1) of Tamil Nadu Act 14 of 1962 has been explained by this Court to include the grounds booklet and that infraction of Section 8(1) of Tamil Nadu Act 14 of 1962 would be a further infraction of constitutional safeguard enshrined in Article 22(5) of Constitution of India.

3) Finding referred in **Bhawaraj Ganeshtaji case (Bhawaraj Ganeshtaji v. State of Tamil Nadu)** reported in (1979) 1 SCC 463 which continues to be a good law as Hon'ble Supreme Court has followed the same in **Sashanta Kumar Barik's case (Sashanta Kumar Barik vs. State of Orissa & others reported in 2022 LiveLaw (SC) 613 : 2022 SCC Online SC 1333**, learned counsel submitted that, live and proximate link between grounds of detention and purpose of detention has existed as the date of arrest in the ground case is 28.05.2023 but the impugned preventive detention order has been made only on 30.06.2023.

4. In the light of the nature of the argument raised (first point turning on Section 8(1) of Act 14 of 1962) in the admission board and considering the facts and circumstances of the case, we deem it appropriate to issue Rule nisi returnable in one week. To be noted, we are doing this for reporting to sub-rule (3) of Rule 13 of Madras High Court Writ Rules, 2021 (hereinafter 'MHC Writ Rules' for the sake of convenience) which provides for issue of Rule nisi returnable, earlier if so ordered by the Court. In this regard, we make it clear that we have already referred to Hon'ble Rules Committee for examining the possibility of providing for across the board order

(returnable date) Rule nisi returnable in Habeas Corpus matters as Habeas Corpus writs have been categorized in a different / separate Sub- Rule basket vide Rule 17(1)(K) of MHC Writ Rules which provides for filing of MCPs before a Division Bench.

5. Issue Rule nisi returnable by 07.08.2023. Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor accepts notice for all five respondents. List on 07.08.2023.

Proceedings dated 07.08.2023:

Read this in conjunction with and in continuation of earlier proceedings made in the previous filing (Admission Board) on 26.07.2023.

2. Mr.V.Paarthiban, learned counsel appearing on behalf of counsel on record for petitioner Mr.D.Balas and Mr.E.Raj Thilak, learned Additional Public Prosecutor for all the five respondents are before us.

3. Mr.V.Paarthiban, learned counsel is ready to advance arguments but learned Prosecutor requests for a short accommodation saying that he needs to get a report from prison authorities, more particularly fourth respondent. Request accepted to.

List one week hence. List on 14.08.2023.

2. Captioned matter also also turns on Section 8(1) of Act 14 of 1962. The expression 'the grounds on which the order has made' occurring in Section 8(1) of Act 14 of 1962 was explained by this Court to include the grounds and grounds booklet containing the material.

3. Both sides request for a short accommodation to locate that case law and come before this Court. Common request accepted to.

4. List one week hence. List on 21.08.2023.

Proceedings dated 21.08.2023

Re-verified.

List on 22.08.2023 in the Additional List.



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Proceedings dated 22.08.2023

Re-verified.

List on 23.08.2023.

Proceedings dated 23.08.2023

Re-verified.

List on 26.08.2023.

5. The II MCP post-admission was listed on 07.08.2023, 14.08.2023, 21.08.2023, 22.08.2023 and 23.08.2023 and the orders made on these listings are as follows:

Proceedings dated 07.08.2023

Read this in conjunction with and in continuation of earlier proceedings made in the previous filing (Admission Board) on 31.07.2023.

2. Mr.V.Paarthiban, learned counsel appearing on behalf of counsel on record for petitioner Mr.D.Balas and Mr.E.Raj Thilak, learned Additional Public Prosecutor for all the five respondents are before us.

2. Mr.V.Paarthiban, learned counsel is ready to advance arguments but learned Prosecutor requests for a short accommodation saying that he needs to get a report from prison authorities, more particularly fourth respondent. Request accepted to.

List one week hence. List on 14.08.2023.

Proceedings dated 14.08.2023

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 31.07.2023 and 07.08.2023 which read as follows:

Proceedings dated 31.07.2023:

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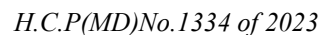
In the captioned Habeas Corpus Petition (HCP for the sake of brevity) Mr.D.Balas, learned counsel on record for the habeas corpus petitioner is before this Court.

2. Learned counsel submits that captioned HCP seeks a 'preventive detention order dated 20.06.2023 bearing reference: D.O.No.66/2023-C.T.' (hereinafter 'impugned preventive detention order' for the sake of brevity, convenience and clarity) made by the 'second respondent' District Collector' (hereinafter 'Detaining Authority' for the sake of brevity, convenience and clarity). It is submitted that impugned preventive detention order has been made by the Detaining Authority under the 'Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug-offenders, Forest-offenders, Goondas, Immoral traffic offenders, Sand-offenders, Sexual-offenders, Slum-grabbers and Video Roster Act, 1962' (Tamil Nadu Act No.14 of 1962) (hereinafter 'Tamil Nadu Act 14 of 1962' for the sake of brevity) breaching the detention as a 'Bootlegger' within the meaning of Section 2(5) of Tamil Nadu Act 14 of 1962. To be noted, spouse of the detenu is the Habeas Corpus Petitioner before us.

3. In the Admission Board, learned counsel Mr.D.Balas, predicated his campaign against the impugned preventive detention order on two points and they are as follows:

(i) Impugned preventive detention order is dated 20.06.2023, the same has been served on the detenu as the same day i.e., 30.06.2023. Therefore, the detention of the detenu pursuant to the impugned preventive detention order (within the meaning of Section 8(1) of Tamil Nadu Act 14 of 1962) is also 20.06.2023. Proceedings of the Detaining Authority i.e., proceedings which sets out the grounds / substratum based on which the impugned preventive detention order has been made has also been served on the detenu on 30.06.2023. Learned counsel submits that the impugned preventive detention order is based on three adverse cases (occurrences on-09.05.2021, 25.11.2021 and 15.09.2022)

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Chapman, 1976; 1978



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Journal of Internal Medicine 255: 103–110

7. As the submissions of Hamed occurred on Section 3(1) of Act
This too is OK

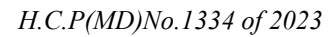


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Read a News Article

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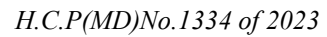
1. [Phosphorus](#) 24.00%

Journal of Management Education 33(1)



Original Article 1917

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[illegible]

Manuscript received 22 July 2004; Accepted 20 April 2005

Revised Manuscript to be reviewed

2. It is not to be understood that the order of dissection refers to the order in which the specimens are examined. It is, in fact, dictated solely by the internal structure of the organism, although the apparent direction of order seems to be related to the *ANALYSIS*, a copy of the same and the sequence of dissection and connected papers were supplied to the student copy as an *ANALYSIS*, being a working of the abstract made and generally, if not often, after the copy of the abstract made and the ground case, here to be compared to the *ANALYSIS* and working of the *ANALYSIS* of the order of dissection. In the present case on *ANALYSIS*, the order of dissection of the order was, however, *ANALYSIS*, it was applied to the *ANALYSIS* of the *ANALYSIS* of the order of dissection.

17. Of course, the language of the law itself does not refer to the supply of capital of the Government along with the provision of attention. It simply refers to the contribution to the clearance of the grounds in order that the object of attention may have made. For, however, it was expounded such that their modifying the purpose for which the grounds are to be constructed. The purpose mentioned therein is to effect to increase the national capacity of studying and reflective representation against the order of attention to the Government. The main supply of the object of attention is determined by the state of the material relied on the Learning Agency; it is of no use for the purpose of making an effective representation; at the same time, against the order of attention, therefore, we are at the very best the supply of object of attention relied on along with the object of attention.

August 1998, 8:20 PM



Author's address: Department of Psychology, University of California, San Diego, 3541 La Jolla Village Drive, San Diego, CA 92093, USA.

informed by the other parties concerned early before any decisions. But Kachacha refused to do so, saying by a then minister, the Director of Wildlife Services, David M. Mwangi, reported in 2010 that Kachacha had been informed of the plan by the then Wildlife Service Director, Mwangi, in 2009-2010. He subsequently and controversially later said Kachacha indicated he already agreed to sign, but the court concluded that Kachacha's claims to mental distress as well as a failure of planning to a preventive intention never let him permit to compromise of liberty and his personal interests. It is a matter of fact without aid. Therefore, the principle applies to all cases to be considered once and for all, and it is established to require Kachacha's own responsibility to do so, and to ensure that the principle is not applied only to a few cases, but to all cases.

10. This result is informative that *Agave* seeds may, explained that the grounds would include the closest of documents, i.e., the grounds located to put it at risk of language, i.e., research or vulgar in the heated war, is governing the field and the state has used the fact of it.

34. Forensic investigators drew no attention to the order in Mohammed's case (Mohammed M. Abdo et al. *Tandem*), and in fact, on 2020-2-19 (2020-02-19) at least one individual (possibly the same person who was later a victim by receiving a ransom of \$1.2 million in Atlanta, GA, 1996, that the date of which the disclosure and the name served in the article is about to be excluded for more than five days. There are two points on the aspect of the matter. It may be possible that Mohammed's case helps to highlight Mohammed's case here.

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Phys. Rev. D **72**, 054017 (2005)



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18. There is one more perception of looking at Velamra's case in the case on hand. In the case on hand, the reckoning date is 30.06.2023 and the date of service of grounds booklet is 06.07.2023. Even if 30.06.2023 is excluded, 06.07.2023 is beyond five days and therefore it may really not be necessary to go into a legal drill regarding Velamra's case and as to whether Velamra's case having been rendered before Kasi Madhavan makes a difference. Therefore, we leave that question open for another matter where there is a contestation so that if necessary, a reference can be made.

19. We have no hesitation in concluding both the impugned preventive detention orders deserve to be stricken.

19.1. Ergo, the regular is, captioned I HCP is allowed. Impugned preventive detention order dated 30.06.2023 bearing reference D.O.No.85/2023-CZ made by the second respondent is set aside and the detenu Thiru.Viji @ Vijayakumar, aged 36 years, Son of Thiru.Sivaraman, is directed to be set at liberty forthwith, if not required in connection with any other case / cases. There shall be no order as to costs.

Page Nos.13-14



19.2. Apropos, the regular is, captioned II HCP is allowed. Impugned preventive detention order dated 30.06.2023 bearing reference D.O.No.86/2023-CZ made by the second respondent is set aside and the detenu Tmt.Nirmala, aged 34 years, Wife of Thiru.Suresh, is directed to be set at liberty forthwith, if not required in connection with any other case / cases. There shall be no order as to costs.

(M.S.J.) (R.S.V.J.)
29.06.2023

Index : Yes/No
Neutral Citation : Yes/No
xxxx

P.S: Registry to forthwith communicate this order to Jail authorities in
(I) Central Prison, Vellore and
(II) Special Prison for Women, Vellore.

To:

- 1.The Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai - 9.
- 2.The District Collector and District Magistrate of Tiruvannamalai District, Tiruvannamalai.
- 3.The Superintendent of Police, Tiruvannamalai District, Tiruvannamalai.
- 4.The Superintendent of Prison,

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The aforesaid point turns heavily on the records before us and therefore, learned Prosecutor really does not have much of a say.

8.However, we deem it appropriate to make it clear that the question as to whether the date of arrest pursuant to the impugned preventive detention order i.e., the date on which the impugned preventive detention order is served on a detenu who is already in incarceration or the date on which the detenu is arrested pursuant to impugned preventive detention order should be taken into account for calculating the five days stipulated under Section 8(1) of Act 14 of 1982 or as to whether the same has to be excluded is a question which has been considered by this Court in a batch of matter. In



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the case on hand, either way it is well beyond five days and therefore, infraction of Section 8(1) of Act 14 of 1982 is clear as daylight. Therefore, this is a fit case for interfering on Section 8(1) of Act 14 of 1982 point. We do so.

9.Ergo, the sequitur is, captioned HCP is allowed. Impugned preventive detention order dated 10.07.2023 bearing reference H.S.(M) Confdl. No.80/2023 made by the second respondent is set aside and the detenu Thiru.Jeya Prem Singh, male, aged 42 years, son of Thiru.Rasal is directed to be set at liberty forthwith, if not required in connection with any other case / cases. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
11.12.2023

Index : Yes/No

Neutral Citation : Yes/No

PKN

Post Script: (i) Registry to forthwith communicate this order to Jail authorities in Central Prison, Palayamkottai.

(ii) All concerned to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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- To
- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
 - 2.The District Collector and District Magistrate,
Thoothukudi District, Thoothukudi.
 - 3.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli.
 - 4.The Joint Secretary to Government,
Public (Law and Order) Department,
Secretariat,
Chennai.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.SAKTHIVEL, J.

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