



WEB COPY



H.C.P.No.2439 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2439 of 2023

Sugumaran

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2.The District Collector and
District Magistrate of Vellore District,
Vellore.

3.The Superintendent of Police,
Vellore District, Vellore.

4.The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

5.The Superintendent,
Central Prison, Vellore.

... Respondents



H.C.P.No.2439 of 2023

WEB COPY

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to call for the entire records, relating to petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 21.04.2023 on the file of the second respondent herein made in proceedings C3. D.O.No.31/2023 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner namely Sugumaran, aged 36 years, son of Gopinath, before this Court and set him at liberty, now the petitioner detained at Central Prison, Vellore.

For Petitioner	:	Mr.C.C.Chellappan
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor assisted by Mr.C.Aravind

ORDER

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

The petitioner, detenu Sugumaran, S/o.Gopinath, aged 36 years, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 21.04.2023 slapped on him, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of



H.C.P.No.2439 of 2023

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 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. In the order of detention, the Detaining Authority has referred to the fact that the relative of the detenu is taking efforts to move bail application to take the detenu on bail. However, this Court is unable to find any material for the conclusion reached by the Detaining Authority that the relative is taking efforts. The report of the Sponsoring Authority does not disclose any such information about the steps being taken. In the absence of any material, this Court finds that the conclusion reached by the Detaining Authority that the relative is taking efforts to move bail application to take the detenu on bail, is without any basis and suffers from non-application of mind.

4. In view of the aforesaid reason, the detention order passed by the 2nd respondent in C3/D.O.No.31/2023, dated 21.04.2023 is hereby set aside



H.C.P.No.2439 of 2023

and the Habeas Corpus Petition is allowed. The detenu viz., Sugumaran, S/o.Gopinath, aged 36 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[M.S.R., J] [S.M., J]
02.01.2024

pvs

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



H.C.P.No.2439 of 2023

To

WEB COPY

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The District Collector and
District Magistrate of Vellore District,
Vellore.
- 3.The Superintendent of Police,
Vellore District, Vellore.
- 4.The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
- 5.The Superintendent,
Central Prison, Vellore.
- 6.The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.2439 of 2023

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

pvs

H.C.P.No.2439 of 2023

02.01.2024