



H.C.P.(MD) No.316 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

H.C.P.(MD) No.316 of 2024

A.Prabha

... Petitioner

-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
Tirunelveli District
Tirunelveli

3.The Superintendent of Prison
Central Prison
Palayamkottai, Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records in detention order in M.H.S.Confdl No.185/2023, dated 08.12.2023, on the file of the second



H.C.P.(MD) No.316 of 2024

respondent and quash the same and direct the respondents herein to produce the body of the petitioner's husband, namely, Anthony Santhiyagu Viyagula James Ajith, son of Sahayaraj, aged about 31 years, now confined in Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner is the wife of the detenu viz., Anthony Santhiyagu Viyagula James Ajith, son of Sahayaraj, aged about 31 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No. 185/2023, dated 08.12.2023, 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.

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.



H.C.P.(MD) No.316 of 2024

WEB COPY

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground of non-furnishing of entire pages of the document relied on by the Detaining Authority in the booklet. According to the learned counsel for the petitioner, at Page No.5 of the booklet, the Detaining Authority has furnished the first information report in respect of the ground case. However, the entire pages of the said first information report have not been furnished to the detenu. On that score alone, the impugned detention order is liable to be set aside.

4. On a perusal of the Booklet, it is seen that at page No.5, the Detaining Authority has furnished first information report in the ground case. However, the same contains only two pages and the entire pages have not been furnished. This would deprive the detenu of making effective representation to the authorities against the order of detention. Therefore, we are of the view that on that score alone, the impugned detention order is liable to be set aside.



WEB COPY

H.C.P.(MD) No.316 of 2024

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.185/2023, dated 08.12.2023, passed by the second respondent is set aside. The detenu, viz., Anthony Santhiyagu Viyagula James Ajith, son of Sahayaraj, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [K.R.S., J.]

14.06.2024

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

krk

To:

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



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H.C.P.(MD) No.316 of 2024

A.D.JAGADISH CHANDIRA, J.
AND
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H.C.P.(MD) No.316 of 2024

14.06.2024