



H.C.P.(MD) No.475 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

H.C.P.(MD) No.475 of 2024

Gayathri

... Petitioner

-Vs-

**1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.**

**2.The District Magistrate/ District Collector
Dindigul District
Dindigul**

**3.The Superintendent,
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 records relating to the detention order



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passed by the second respondent in detention order No.21 of 2024 dated 27.03.2024 and quash the same and direct the respondents to produce the body or detainee namely Ashok Kumar, S/o.Pandi @ Thirupur Pandi aged about 30 years(now detained at Central Prison, Madurai) before this Court and set him at liberty forthwith

For Petitioner : Mr.Mayilvahana Rajendran
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

The petitioner is the wife of the detainee namely, Ashok Kumar, S/o.Pandi @ Thirupur Pandi aged about 30 years. The detainee has been detained by the second respondent by his order in detention order No.21 of 2024 dated 27.03.2024, 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.



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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. Among other grounds we find that the detenu had given a representation dated 05.04.2024. This was received by the detaining authority on 06.04.2024. But even before that date the detention order has been passed on 27.03.2024. This detention order was approved by the State Government on 07.04.2024.. If the detaining authority had received the representation after passing the detention order, then he must forward the recommendation along with his remarks to the first respondent /The Principal Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai-600 009. But, he had proceeded to reject the representation by an order dated 15.04.2024. This procedure adopted is palpably wrong.

4. On this ground the Habeas Corpus Petition is allowed and the order of detention in detention order No.21 of 2024 dated 27.03.2024, passed by the second respondent is set aside. The detenu, viz., Ashok Kumar, S/o.Pandi @



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Thirupur Pandi aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[C.V.K., J.] & [R.P., J.]

03.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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



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