



H.C.P.(MD)No.800 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.800 of 2024

Satham @ Satham Hussian

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai – 600 009.

2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Ramanathapuram District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, calling for the records
connected with the detention order of the second respondent in
S.R.No.11/Goonda/2024 dated 06.05.2024 and quash the same and direct



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the respondents to produce the person of the detenu Satham @ Satham Hussain S/o.Jahir Hussain aged 34 years now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner was detained as “Goonda” vide order dated 06.05.2024 by the District Collector and District Magistrate, Ramanathapuram. Copy of the grounds of detention has been enclosed. It is seen therefrom that the authority had placed reliance on the remand order passed by the Judicial Magistrate No.I, Ramanathapuram. The petitioner herein submitted a representation on 24.06.2024 for being supplied with copy of the remand order. It was not complied with.



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3.It is well settled that the detaining authority is obliged to furnish those documents on which reliance is placed. In this case, even though remand order was relied upon, it was not furnished to the detenu. On this sole ground, we hold that the impugned order is vitiated.

4.In this view of the matter, we hold that the detenu's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

5.The impugned order is set aside and the habeas corpus petition is allowed.

(G.R.S. J.) & (R.P. J.)
22.11.2024

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

Issue order copy on 25.11.2024.



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To:-

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- 2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Ramanathapuram District.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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