



H.C.P.(MD)No.1071 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM

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

H.C.P.(MD)No.1071 of 2024

Singh @ Singaraja

... Petitioner / Detenu

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
praying for the issue of a Writ of Habeas Corpus, to call for the entire
records connected with the detention order passed in M.H.S.Confdl.No.



H.C.P.(MD)No.1071 of 2024

92/2024, dated 30.05.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Singh @ Singaraja, aged about 41 years, S/o.Thangaperumal Nadar, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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

ORDER

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

Heard both sides.

2. The petitioner herein was detained as “Goonda” vide order dated 30.05.2024 by the second respondent herein.

3. It is submitted that the representation was submitted by the detenu to the jail authority on 19.08.2024. But no order has been passed considering the said representation. Failure to consider the detenu's representation is fatal to the continuance of the detention order.



H.C.P.(MD)No.1071 of 2024

WEB COPY

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

5. This habeas corpus petition is allowed accordingly.

(G.R.S. J.,) & (R.P. J.,)
06.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 09.12.2024.

To:-

1. 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.

3/4



WEB COPY



H.C.P.(MD)No.1071 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P.(MD)No.1071 of 2024

06.12.2024