



H.C.P.(MD)No.1128 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2024

CORAM

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

H.C.P.(MD)No.1128 of 2024

Arumugam

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise (xiv) Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli 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 entire records, connected with the detention order No.25/BCDFGISSSV/2024 dated 27.05.2024 and quash the same and direct the respondents to



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produce the body or person of the detenu by name Arumugam, son of Chelliah, aged about 30 years now detained as “Goonda” at Palayamkottai 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 27.05.2024 by the second respondent herein. Seeking revocation of the detention order, representation was sent through registered post on 07.08.2024 by the counsel and it was received by the Jail Superintendent, Palayamkottai on 10.08.2024. The Jail Superintendent forwarded the representation to the first respondent on 12.08.2024. The specific stand of the petitioner is that his representation was not considered.



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3. In the counter affidavit, stand has been taken that no representation was received. This is incorrect, because the petitioner has produced proof of service.

4. Non-consideration of the representation submitted by the detenu for revocation of the detention order breaches his fundamental right guaranteed under Article 22 of the Constitution of India. The continued detention of the detenu 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.)
04.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 05.12.2024.



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



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R.POORNIMA, J.

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