



HCP(MD)No.1516 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.04.2024

CORAM

**THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HON'BLE MR JUSTICE K.RAJASEKAR**

H.C.P.(MD)No.1516 of 2023

Lakshmi

.. Petitioner

Vs.

- 1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai.
- 2.The District Collector and District Magistrate
Thoothukudi, Thoothukudi District
- 3.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District
- 4.The Superintendent of Central Prison,
Central Prison,
Palayamkottai

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent



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in proceedings HS(M) Confdl. No.115/2023 and quash the same as illegal and produce the detenu namely Saminathan, S/o.Manthiram, aged about 27 years, now he is confined in Central Prison, Palayamkottai.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.A.Thiruvadikkumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the mother of the detenu viz., Saminathan, S/o. Manthiram, aged about 27 years. The detenu has been detained by the second respondent by his order in HS(M) Confdl. No.115/2023 dated 05.09.2023 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.



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3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the copy of the translated copy of the remand order and remand extension order have not been furnished to the detenu, despite the same has been sought for by the petitioner in his representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. Though counter affidavit has not been filed, the learned Additional Public Prosecutor for the respondents strongly made his objections.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, the representation made by the petitioner dated 01.12.2023, she had sought for the translated copy of the remand order and remand extension order, however, the same has not been furnished to the detenu, which vitiates the order of detention.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in HS(M) Confdl. No.115/2023 dated 05.09.2023 passed by the second respondent is set aside. The detenu, viz., Saminathan S/o.Manthiram,



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aged about 27 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.)
01.04.2024

NCC :Yes / No
Internet : Yes

RR

To

- 1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai.
- 2.The District Collector and District Magistrate
Thoothukudi, Thoothukudi District
- 3.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District
- 4.The Superintendent of Central Prison,
Central Prison,
Palayamkottai
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.D.JAGADISH CHANDIRA, J.
and
K.RAJASEKAR,J.

RR

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