



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :01.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)No.1138 of 2024

Kasi

... Petitioner(Father of the detenu)

.Vs.

- 1.The State of Tamil Nadu,
represented by its
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.
- 2.The District Collector,
And the District Magistrate,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent,
Central Prison,
Palayamkottai.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the records in M.H.S Confdl.No.136 o 2024



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dated 31.7.2024 and to set aside the same and further to direct the respondents herein to produce the detenu Thangaselvam, aged 19 years, son of Kasi, who has been terms as Goonda, now confined in Central Prison, Palayamkottai before this Court and set the detenue at liberty.

For Petitioner : Mr.P.Veerapandi

For Respondents : Mr.S.Ravi
1 to 3 Addl.Public Prosecutor

ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

The Habeas Corpus Petition is filed seeking to call for the records in M.H.S Confdl.No.136 o 2024 dated 31.7.2024 and to set aside the same and further to direct the respondents herein to produce the detenu Thangaselvam, aged 19 years, son of Kasi, who has been terms as Goonda, now confined in Central Prison, Palayamkottai before this Court and set the detenue at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The detention order passed on 31.7.2024 as against Thangaselvam, aged 19 years, is challenged on the ground that the sole cause is against the detenu who is aged 19 years. The occurrence of the ground case arose due to family dispute and does not cause any fear in the mind of the general public. The co accused who was detained under the Goondas was released after the orders of the Advisory Board. This Petitioner is the son of the co accused, aged 19 years, is also entitled for the same benefit.

4. The learned Additional Public Prosecutor appearing for the respondents/State submits that detention order against the co accused by name Jaya, wife of Kasi was revoked by the Government based on the Advisory Board report. It is also conceded that this Petitioner is the son of Kasi. However, it is stated by the learned Additional Public Prosecutor that the detenu has one adverse case against him for the offence under section 324 IPC and Section 3(1) (r) of SC/ST POA Act. This Court on perusing the records does not find any detail about the adverse case. Hence drawing parity with the co accused, the detention order is quashed.



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5. In fine, the Habeas Corpus Petition is allowed. The detention order in , M.H.S Confdl.No.136 o 2024 dated 31.7.2024 passed by the second respondent, is set aside. Consequently, the detenu, namely, Thangaselvam, aged 19 years, son of Kasi, who is now detained at Central Prison, Palayamkottai is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

[G.J.,J.] [R.P.,J.]
01.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

- 1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.
- 2.The District Collector,
And the District Magistrate,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent,

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Central Prison,
Palayamkottai.

Copy to

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



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

ORDER MADE IN
H.C.P(MD)No.1138 of 2024



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