

H.C.P.(MD)No.1159 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM

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

H.C.P.(MD)No.1159 of 2024

Pandi

... Petitioner / Father of the Detenue

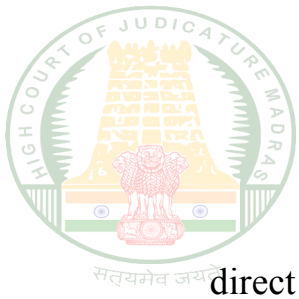
Vs.

State of Tamil Nadu rep. by

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Office of 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, to call for the entire records connected with the detention order of the second respondent in S.R.No.13/Goonda/2024, dated 02.07.2024 and quash the same and



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direct the respondents to produce the body or person of the detenu by name Thiru.Divakar @ Divakaran S/o.Pandi aged about 21 years now detained as Goonda at Madurai Central before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.M.Karunakaran

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

ORDER

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

Heard both side.

2. The petitioner's son was detained as Goonda vide order dated 02.07.2024 by the second respondent. The detaining authority had relied on the remand order dated 13.06.20224 passed by the Judicial Magistrate, Kamuthi. However, copy of the remand order was not furnished to the detenue.

3. It is well settled that the document relied upon by the detaining authority ought to be supplied to the detenue so as to enable him to make



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representation. The conduct of the authority would amount to breach of the detainee's fundamental right guaranteed under Article 22 of the Constitution of India. In this case, there has been such a breach. On the sole ground, the impugned order is set aside. Continuance of the detention becomes illegal. The detainee shall be set at liberty forthwith unless his detention is otherwise warranted by law. The Habeas Corpus Petition is allowed.

(G.R.S. J.,) & (R.P. J.,)
06.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note: Issue Order Copy on 07.01.2025.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District.



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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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