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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1051 of 2019

Veera @ Veeravel

... Petitioner/Detenu

Vs.

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

2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dindigul 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 issuance of a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the second respondent in Detention Order No.59/2019, dated 24.09.2019 and quash the same and direct the respondents to produce the body or person of the detenu by name Veera @ Veeravel, Son of Vaikalsamy, aged about 23 years, now detained as "Goonda" in Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Dinesh Babu,
Additional Public Prosecutor

ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

The petitioner is the detenu viz., Veera @ Veeravel, Son of Vaikalsamy, aged about 23 years. The detenu has been detained, as per the order of the second respondent, dated 24.09.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.



2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. It is seen that the detenu came to the adverse notice in Ayakudi Police Station Crime No.119 of 2019 under Sections 147, 148, 120-B and 302 of the Indian Penal Code and also he involved in the ground case in Palani Town Police Station in Crime No.308 of 2019 under Section 25(1)(a) of the Indian Arms Act, 1959 r/w Sections 115 and 120-B of the Indian Penal Code. However, the Detaining Authority has furnished a booklet of papers adding the case details pertaining to Crime No.142 of 2013, which does not relate to the detenu, but, some other case, which shows non-application of mind on the part of the Detaining Authority. Moreover, the documents furnished to the detenu, viz., Page Nos.18 to 29 in the booklet are also illegible in nature, because of which, the detenu has lost his valuable right of making an effective representation against his detention, which, in the opinion of this Court, vitiates the order of detention.

4. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in Detention Order No.59/2019, dated 24.09.2019. Consequently, the detenu, namely, Veera @ Veeravel, Son of Vaikalsamy, aged about 23 years, who is now detained at Central Prison, Madurai, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case/proceedings.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SML/RSB

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,

<https://hcservices.hcscourts.gov.in/6390ices009>



2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dindigul District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

4.The Joint Secretary to Government
Public(Law and Order)
Fort Saint George, Chennai-9.

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

Order made in
H.C.P. (MD) No.1051 of 2019

Dated:
30.06.2020

KM (08.07.2020) 3P 6C