



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION (MD) No.1457 of 2014

R.Kalidass

.. Petitioner/Cousin
brother of the detenu

Vs.

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

2.The District Collector and
District Magistrate,
Nagapattinam District,
Nagapattinam.

3.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.

.. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus praying to call for the records relating to the impugned order in respect of C.O.C.No.67/2014, dated 01.12.2014 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the detenu Ramanan, Son of Selladurai, aged about 24 years, now confined at Central Prison, Tiruchirappalli before this Court and set him at liberty and pass such further or other orders.

For Petitioner : Mr.Ilayaraja Kandasamy

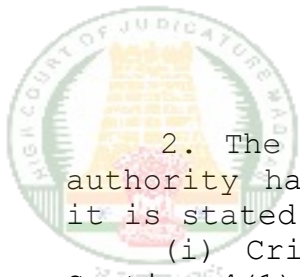
For Respondents: Mr.A.Ramar

Addl.Public Prosecutor

ORDER

(Order of the Court was made by **A.SELVAM, J**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to detention order passed in C.O.C.No.67/2014, dated 01.12.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Ramanan, Son of Selladurai and quash the same and thereby set him at liberty forthwith.



2. The Inspector of Police, Keelaiyur Police Station as sponsoring authority has submitted an affidavit to the detaining authority, wherein it is stated that the detenu has involved in the following adverse cases:

(i) Crime No.135 of 2014 Keelaiyur Police Station registered under Section 4(1)(aaa) read with 4(1-A) TNP Act, 1937.

(ii) Crime No.201 of 2014 Keelaiyur Police Station registered under Section 4(1)(aaa) read with 4(1-A) TNP Act, 1937.

(iii) Crime No.233 of 2014 Keelaiyur Police Station registered under Section 4(1)(aaa) read with 4(1-A) TNP Act, 1937.

3. Further it is stated in the affidavit that on 12.11.2014, on information, the Inspector of Police, Keelaiyur Police Station has conducted a raid and ultimately found that the detenu is in possession of illicit arrack and consequently, a case has been registered in Crime No.236 of 2014 under Sections 4(1)(i), 4(1)(aaa) read with 4(1-A) TNP Act, 1937 and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Boot Legger' by way of passing the impugned detention order and in order to revoke the same, the present Habeas Corpus Petition has been filed by the cousin brother of the detenu as petitioner.

5. Despite of repeated adjournments on the side of the respondents, counter has not been filed. under the said circumstances, this petition is disposed of on merits on the basis of available materials on record.

6. The learned counsel appearing for the petitioner has contended that on the side of the detenu a representation, dated 08.12.2014 has been given and the same has not been disposed of by the concerned authority and therefore the detention order in question is liable to be quashed.

7. It is seen from the records that on 08.12.2014 a representation has been submitted by the detenu to the concerned authority and the same has not been disposed of. Under the said circumstances, the detention order in question is liable to be quashed.

8. In fine, this Habeas Corpus Petition is allowed and the detention order passed in C.O.C.No.67/2014, dated 01.12.2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Ramanan, Son of Selladurai at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)



- 1.The Secretary to the Government,
Department of Prohibition and Excise (Home),
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Nagapattinam District,
Nagapattinam.
- 3.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
4. The Joint Secretary to the Government,
Public (Law & Order)
Fort St. George,
Chennai - 600 009.
5. The Superintendent, Central Prison, Trichy
(in duplicate to communicate the detenue)
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TS/31.03.2015/3P-8C

ORDER MADE IN
H.C.P (MD) No.1457 of 2014

30.03.2015