

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

HCP No.2381/2015

Menagha .. Petitioner

Versus

1.The Secretary to Government
Home, Prohibition & Excise Department
Fort St George, Chennai 600 009.

2.The Commissioner of Police
Chennai City, Vepery, Chennai-7.

3.The Inspector of Police
P6 Kodungaiyur Police Station
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records in Memo No.797/BCDFGISSSV/2015 dated 26.08.2015 passed by the 2nd respondent and quash the same as illegal and consequently, direct the respondents to produce the detenu Jana @ Janardhanan, son of Lingesan, aged about 25 years, who is now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.J.Milton Arul

For Respondents : Mr.A.N.Thambidurai

Additional Public Prosecutor

ORDER

[Order of the Court was made by S.NAGAMUTHU, J.,]

The petitioner, who is the sister of the detenu Jana @ Janardhanan, son of Lingesan, aged 25 years, has filed the present petition challenging the detention order dated 26.08.2015 passed by the 2nd respondent in Memo No.797/BCDFGISSSV/2015, branding her brother as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2 The above Habeas Corpus Petition was allowed by this Court, vide order dated 10.03.2016, thereby setting aside the impugned order of detention dated 26.08.2015, detaining the detenu Mr.Jana @ Janarthanan, under Act 14 of 1982. On that day, it was represented by the learned Additional Public Prosecutor that there was a delay of ten days in considering the representation made by the detenu to the Government. By accepting the same, this Court, passed an oral order, quashing the detention order. But, even before the order was drafted, it came to light that the detention order was not in force as on 10.03.2016, since the same had already been revoked on 08.10.2015 itself, as per G.O. [Rt].No.6340, Home, Prohibition and Excise [XIII] Department. In

order to get it clarified, the matter was, therefore, ordered to be listed under the caption "for clarification" on 15.03.2016.

3 When the matter was taken up on 15.03.2016, the learned Additional Public Prosecutor submitted, after verification of the facts, that in fact, as on 10.03.2016, the detention order was not in force, as the same had already been revoked on 08.10.2015. Thus, there was nothing to be quashed on 10.03.2016. The said submission of the learned Additional Public Prosecutor is recorded.

4 In view of the above position, the order made by this Court on 10.03.2016, but not drafted, stands re-called and the Habeas Corpus Petition in HCP No.2381/2015 shall stand dismissed as infructuous as the detention order has been revoked already by the Government in G.O. [Rt].No.6340, Home, Prohibition and Excise [XIII] Department, dated 08.10.2015.

[M.J., J.] [S.N., J]
15.03.2016

tsi/AP

M.JAICHANDREN, J.,
AND
S.NAGAMUTHU, J.,

tsi/AP

To

- 1.The Secretary to Government
Home, Prohibition & Excise Department
Fort St George, Chennai 600 009.
- 2.The Commissioner of Police
Chennai City, Vepery, Chennai-7.
- 3.The Inspector of Police
P6 Kodungaiyur Police Station
Chennai.
- 4.The Public Prosecutor
High Court, Chennai.

HCP No.2381/2015

15.03.2016