

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

and

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.2556/2015

Bhanu

..... Petitioner

Vs

1.State of Tamil Nadu,
rep.by the Secretary, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009

2.The Commissioner of Police,
The Commissioner Office,
Vepery, Chennai-600 007

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records relating to the detention order in Memo No.705/2015, dated 08.08.2015, passed by the second respondent under the Tamil Nadu Act 14 of 1972 and set aside the same and direct the respondent to produce the petitioner's son Pallu @ Balaraman S/o.Seniappan, the detenu, now confined in Central Prison, Puzhal, Chennai, before this Court and set the petitioner's son Pallu @ Balaraman, S/o.Seniappan, aged about 23 years, the detenu herein at liberty.

For Petitioner सत्यमेव जयते :Mr.S.Sugendran

For Respondents :Mr.A.N.Thambidurai,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.JAICHANDREN,J]

This Habeas Corpus Petition is filed, by the mother of the detenu, namely, Pallu @ Balaraman, aged about 23 years, Son of Seniappan, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in No.705/2015, dated 08.08.2015, passed by the 2nd Respondent,

detaining the detenu, under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14/1982), the Tamil Nadu Act 14 of 1982, branding him as a "Goonda", in the Central Prison, Puzhal, Chennai, and to quash the same and to direct the Respondents to produce the body of the detenu and set him at liberty forthwith.

2. We have heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State and we have also perused the records carefully.

3. Though, several grounds have been raised in this Habeas Corpus Petition, the learned counsel appearing on behalf of the petitioner, had assailed the impugned detention order mainly on the ground that the detaining authority had stated, in Paragraph No.4 of the order of detention, that no bail application had been moved on behalf of the detenu, in H-1, Washermenpet Police Station Crime No.1114 of 2015. However, it had been stated that the relatives of the detenu are taking action to take him out on bail, in H-1, Washermenpet Police Station Crime No.1114 of 2015, by filing bail application before the appropriate Court.

4. It is noted from the records available that no statements had been recorded, from the relatives concerned, to substantiate the claim that they are taking steps to move a bail application, on behalf of the detenu, to take him out on bail, in the above said case. In such circumstances, we find that there is non-application of mind on the part of the detaining authority, in passing the detention order. Therefore, we are inclined to set aside the detention order.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 08.08.2015, passed by the second respondent, is set aside. The detenu is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

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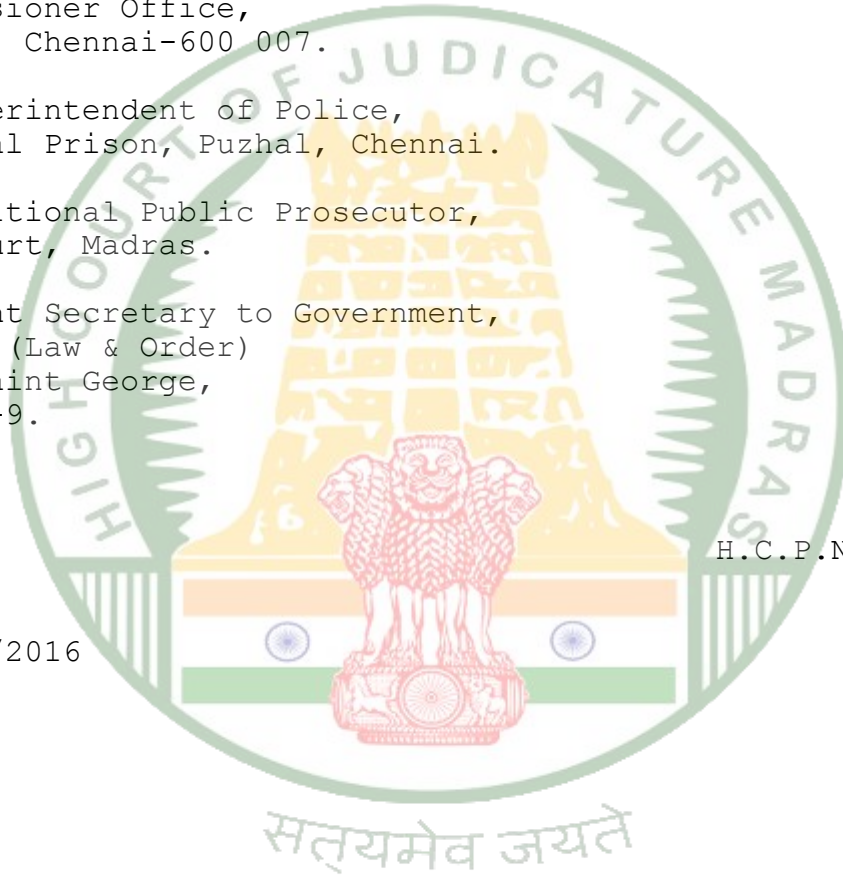
Sub Assistant Registrar

To

- 1.The Secretary to Government
The State of Tamil Nadu
Home, Prohibition and Excise Department
Fort St.George
Chennai 600 009.
- 2.The Commissioner of Police,
Commissioner Office,
Vepery, Chennai-600 007.
- 3.The Superintendent of Police,
Central Prison, Puzhal, Chennai.
- 4.The Additional Public Prosecutor,
High Court, Madras.
- 5.The Joint Secretary to Government,
Public (Law & Order)
Fort Saint George,
Chennai-9.

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srg 20/04/2016

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