

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.3199/2015

Meena

...Petitioner

Vs

1.The State of Tamilnadu,
Represented by Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Chennai Police,
Office of the Commissioner of Police,
(Goondas Section) Vepery,
Egmore, Chennai - 600 008.

...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 dated 02.11.2015 passed by the second respondent in B.C.D.F.G.I.S.S.V.No.1155 of 2015 and quash the same and direct the respondents herein to produce the petitioner's son Shankar son of Mani, aged 24 years, No.24, 3rd Street, Easwaran Nagar, Redhills, Chennai - 600 052, who is presently undergoing detention in the Central Prison, Puzhal, under Section 3(1) of the Tamil nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamilnadu Act 14 of 1982) before this Court and set him at liberty forthwith.

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

ORDER

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

The petitioner is the mother of one Mr.Shankar, aged 24 years, who was detained under Tamilnadu Act 14 of 1982, branding him as a Goonda as per the order of the second respondent by his

proceedings in BCDFGISSSV No.1155/2015 dated 02.11.2015. Challenging the same, the petitioner has come up with this petition.

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

3. The learned counsel for the petitioner would submit that the petitioner, on behalf of the detenu sent representation to the Secretary, Home Department, Government of Tamilnadu and the Advisory Board, Swamy Sivananda Salai, Chennai, raising objections to the said detention order. The grievance of the petitioner is that the said representation was not considered at all.

4. The learned Additional Public Prosecutor on instructions would submit that no such representation was ever received and therefore, the question of considering the same does not arise.

5. We have considered the above submissions.

6. The petitioner has produced a copy of the representation along with postal receipt evidencing the receipt of such representation. From this, we are satisfied that the representation was received by the authorities. However, the fact remains that the representation has not been considered by the authorities.

7. Constitution mandates that if any representation is made, the same should be considered scrupulously by the authorities concerned. Here in this case, the same has not been done. Hence, the detention order cannot be allowed to sustain.

8. Accordingly, the habeas corpus petition is allowed and the detention order dated 02.11.2015, passed by the second respondent is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

svki

To

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

2.The Commissioner of Police,
Chennai Police,
Office of the Commissioner of Police,
(Goondas Section) Vepery,
Egmore, Chennai - 600 008.

3.The Superintendent
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

5. The Joint Secretary to Government,
Public (Law & order)
Fort St. George, Chennai-9.

H.C.P.No.3199/2015

KGK(CO)
Eu 21.07.16



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