

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.5.2016

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THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. No.137 of 2016

Pavithra ... Petitioner/wife of the detenu
Vs.

- 1.The Secretary to the Government,
Home, Prohibition and Excise
Department, Secretariat,
Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai-600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, calling for the entire records connected with the detention order of the 2nd respondent in BCDFGISSSV No.1147/2015 dated 31.10.2015 and quash the same and direct the respondents to produce the body and person of the petitioner's husband namely Prakash son of Annappan aged about, 25 years detained in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.Mohamed Ansar
For Respondents: Mr.M.Maharaja
Addl. Public Prosecutor

ORDER

(Order of the Court was made by G.CHOCKALINGAM, J.)

The petitioner is the wife of the detenu. The detenu has been branded as a "Goonda" as contemplated under Tamil Nadu Act 14 of 1982 and detained under order of the 2nd respondent passed in BCDFGISSSV No.1147/2015 dated 31.10.2015.

2. Amidst several grounds raised, learned counsel for the petitioner mainly focused his argument on the ground that the name of the detenu itself has been wrongly mentioned in the grounds of detention. The real name of the detenu is Prakash. But it has been wrongly mentioned as Mahendran in paragraphs 4 and 5 of the detention order. But in Therefore, the subjective satisfaction arrived by the detaining authority is not well founded.

3. We have heard the learned Additional Public Prosecutor appearing for the respondents on the above submission and perused the material documents available on record.

4. A perusal of the grounds of detention would show that the name of the detenu himself has been wrongly mentioned in paragraphs 4 and 5 of the grounds of detention. In the 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 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

//True Copy//

Sub Assistant Registrar

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To

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Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai-600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor
High Court, Madras.

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EU 1.06.16