

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.09.2016**

CORAM:

THE HON'BLE MR.JUSTICE **A.SELVAM**
AND
THE HON'BLE MR.JUSTICE **P.KALAIYARASAN**

H.C.P.No.722 of 2016

Nirmala

... Petitioner

VS.

1. State of Tamilnadu
rep.by the Secretary
Home, Prohibition and Excise Department,
Fort St.George, Chennai 9

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records in relating to the detention order in Memo No.287/BCDFGISSV/2016 dated 11.3.2016 passed by the second respondent under Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Saravanan @ Padi Saravanan, S/o.Pakkiri, the detenu, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's son Saravanan @ Padi Saravanan, S/o.Pakkiri, aged about 41 years the detenu herein at liberty.

For Petitioner : Mr.M.Kaveriselvam
For Respondents :Mr.V.M.R.Rajentren, APP

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 the records relating to detention order, dated 11.3.2016, passed in No.287/BCDFGISSV/2016, by the detaining authority, who has been arrayed as the second respondent herein, against the detenu, by name Saravanan @ Padi Saravanan, S/o.Pakkiri and quash the same.

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

(1) P.3 Vyasarpadi Police Station Crime No.856 of 2013, registered under Sections 341, 294(b), 336, 427, 397, 506(ii) of the Indian Penal Code

(2) P.3 Vyasarpadi Police Station Crime No.82 of 2016, registered under Sections 341, 384 and 506(ii) of the Indian Penal Code

3. Further, it is averred in the affidavit that on 12.2.2016, one Panneerselvam, son of Lakshmana Nadar, as defacto complainant, has given a complaint against the detenu in Vyasarpadi Police Station and the same has been registered in Crime No.87 of 2016 under sections 341, 294(b), 336, 427, 397 and 506(ii) of the

Indian Penal Code 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 a 'Goonda' by way of passing the impugned detention order and in order to quash the same, the present petition has been filed by the wife of the detenu, as petitioner.

5. The learned Additional Public Prosecutor appearing for the respondents has contended that the detention order in question has been revoked by the Government of Tamil Nadu, by virtue of G.O.Rt.No.2237, dated 18.5.2016 and a copy of the same has been submitted for perusal and this Court has perused the same and found that the detention order in question has already been revoked by the Government.

6. Considering the aforesaid factual circumstances, the relief sought in the petition has become infructuous.

In fine this Habeas Corpus Petition is dismissed.

(A.S.J.) (P.K.J.)
19.09.2016

Index:Yes/no
ajr

**A.SELVAM,J.
AND
P.KALAIYARASAN,J**

ajr

To

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