

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

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

H.C.P.No.821 of 2016

Anandhan @ Lorry @ Japan ... Petitioner

vs.

1.State of Tamil Nadu,
rep.by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai Police,
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 entire records relating to the petitioner's detention under Tamil Nadu Act 14 of 1982, vide detention order, dated 08.09.2015, on the file of the second respondent herein made in proceedings BCDFGISSSV No.889 of 2015 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner namely Anandhan @ Lorry @ Japan, son of Sekar, aged 23 years before this Court and set the petitioner at liberty from detention, now petitioner detained at Central Prison-II, Puzhal, Chennai-600 066.

For Petitioner : Mr.C.C.Chellappan

For Respondents :Mr.V.M.R.Rajentren,A.P.P.for R1 and R2

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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 08.09.2015, passed in BCDFGISSSV No.889 of 2015, by the detaining authority,

who has been arrayed as the second respondent herein, against the detenu, by name Anandhan @ Lorry @ Japan, Son of Sekar and quash the same.

2. It is averred in the petition that the sponsoring authority has submitted an affidavit to the detaining authority. On the basis of the averments made in the affidavit, the detaining authority has derived a subjective satisfaction to the effect that the detenu, by name, Anandhan @ Lorry @ Japan, is a habitual offender and ultimately branded him as 'Goonda', by way of passing the impugned detention order and in order to quash the same, the detenu himself has filed the present petition.

3. The learned counsel appearing for the petitioner has contended that the detention order has been passed on 8.9.2015 only for a period of one year and the same has elapsed.

4. Considering the fact that the detention order in question has been passed on 8.9.2015 only for a period of one year and the said period has already elapsed, the relief sought in the petition has become infructuous and the same is liable to be dismissed.

5. In fine, this habeas corpus petition is dismissed. The respondents are directed to set the detenu, by name, Anandhan @ Lorry @ Japan, at liberty, if he is in custody, forthwith, unless he is required to be incarcerated in connection with some other case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

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

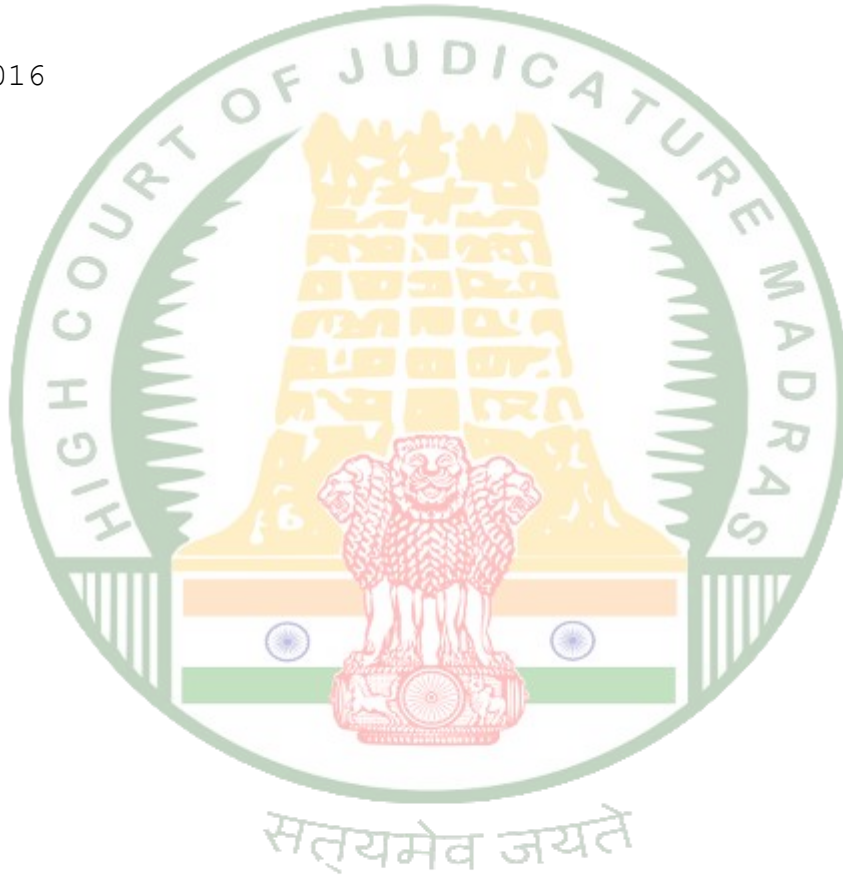
3.The Superintendent, Central Prison,
Puzhal-II, Chennai.

4.The Public Prosecutor,
High Court, Madras

5.The Joint Secretary to Government &
Law and order Secretariat Fort St.George
Chennai-9

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