

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-09-2016

CORAM:

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

HCP No.824 of 2016

Sankar

.. Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary
to the Government, Home,
Prohibition and Excise Department
Fort St. George, Chennai - 9
2. The District Collector and
District Magistrate
Thiruvannamalai District
Thiruvannamalai

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, calling for the records relating to the order of detention made in D.O.No.10/2016-C2 dated 04-04-2016 passed by the District Collector and District Magistrate, Thiruvannamalai District, Thiruvannamalai, the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Thirumathi. Nagalakshmi W/o. Sankar aged 37 years now confined in Special Prison for Women, Vellore at liberty and pass orders.

For Petitioner : Mr. R. Balakrishnan

For Respondents: Mr.V.M.R.Rajendran
Addl.Public Prosecutor

O R D E R

[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 records,

relating to detention order dated 04-04-2016 passed in D.O.No.10/2016-C2 by the detaining authority, who has been arrayed as the second respondent herein, against the detenu by name Nagalakshmi W/o. Shankar and quash the same.

2. The Inspector of Police, Prohibition and Enforcement Wing, Tiruvannamalai, as sponsoring authority, has submitted an affidavit to the detaining authority, wherein it is averred that the detenu has involved in the following adverse cases:

- i. Tiruvannamalai Prohibition Enforcement Wing Cr.No.291 of 2015 under sections 4(1)(aa) read with 4(1-A)(ii) TNP Act @ 4(1) (aa) TNP Act
- ii. Tiruvannamalai Prohibition Enforcement Wing Cr.No.463 of 2015 under sections 4(1)(a) read with 4(1-A)(ii) TNP Act @ 4(1) (a) TNP Act
- iii. Tiruvannamalai Prohibition Enforcement Wing Cr.No.551 of 2015 under sections 4(1)(a) read with 4(1-A)(ii) TNP Act @ 4(1) (a) TNP Act

3. Further it is averred in the petition that on 20-03-2016 at about 10:00 hours one Selvam S/o. Balaraman as defacto complainant has given a complaint against the detenu to the Tiruvannamalai Prohibition Enforcement Wing and the same has been registered in Crime No.241 of 2016 under Section 4(1) (i) read with 4(1-A) (ii) Tamil Nadu Prohibition Act, 1937 and ultimately prayed to invoke Act 14/1982 against the detenu.

4. The detaining authority, after perusing the averments made in the affidavit and other connected documents, has derived subjective satisfaction that the detenu is a habitual offender and ultimately branded him as a 'Bootlegger', by way of passing the impugned detention order and in order to quash the same, the present petition has been filed by the husband of the detenu, as petitioner.

5. The learned Additional Public Prosecutor, appearing for the respondents, has represented that the detention order has been revoked in G.O.Rt.No.2303 dated 19-05-2016.

6. Considering the fact that the detention order in question has already been revoked, the relief sought in the petition has become infructuous.

7. In fine, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

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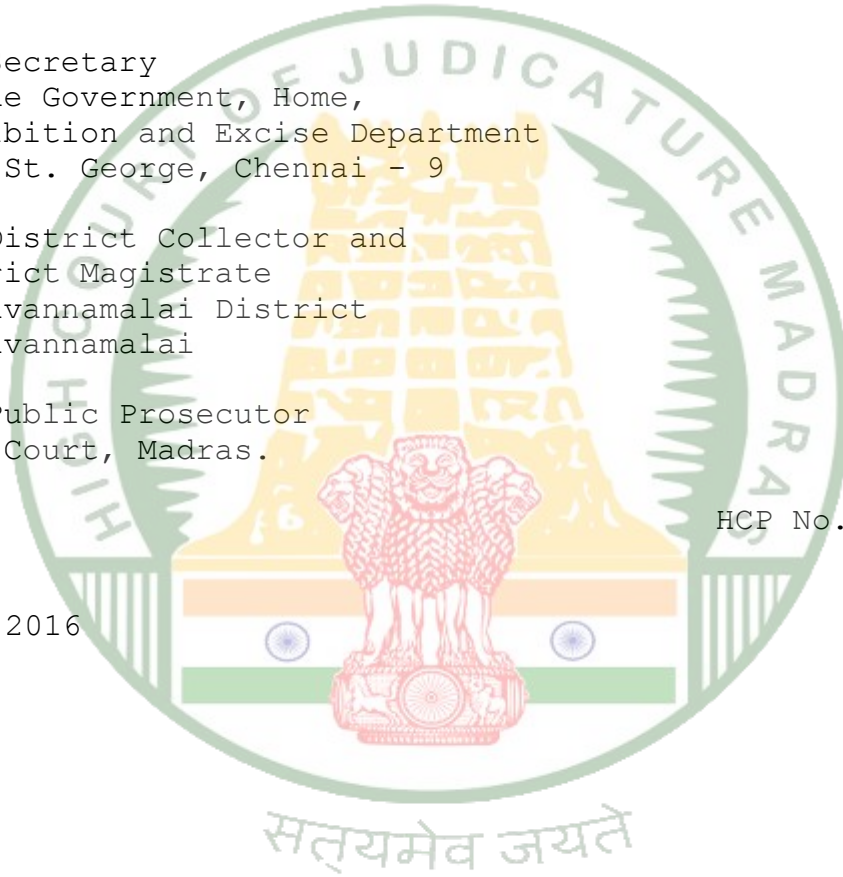
Sub Assistant Registrar

To

1. The Secretary
to the Government, Home,
Prohibition and Excise Department
Fort St. George, Chennai - 9
2. The District Collector and
District Magistrate
Thiruvannamalai District
Thiruvannamalai
3. The Public Prosecutor
High Court, Madras.

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