

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM:

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

H.C.P.No.838 of 2016

Nageswari

... Petitioner

vs.

- 1.The State of Tamil Nadu,
rep.by its Secretary to Government(Home),
Prohibition and Excise Department,
Secretariat, Chennai-600 009
 - 2.The District Collector and District Magistrate,
Villupuram District,
Villupuram.
 - 3.The Superintendent of Prisons,
Central Prison,
Cuddalore
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the entire records from the 2nd respondent in connection with order No.C2/6858/2016, dated 25.3.2016 and quash the same and produce the petitioner's husband namely, detenu, Laksmanan, S/o.Kasinathan, aged 30 years, now confined in Central Prison, Cuddalore, under the Tamil Nadu Act, 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr.P.K.Ilavarasan

For Respondents:Mr.V.M.R.Rajentren,A.P.P.

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 25.3.2016, passed in No.C2/6858/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Lakshmanan, Son of Kasinathan, and quash the same.

2. The Inspector of Police, Villupuram Taluk Police

Station, 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:

(1) Villupuram Taluk Police Station, Crime No.355 of 2015, registered under Sections 147, 148, 448, 506(ii), 436 of Indian Penal Code r/w. Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, altered into Sections 147, 148, 448, 506(ii), 436 and 307 of the Indian Penal Code r/w. Sections 3 and 4 of Tamil Nadu Property (Prevention of Damage and Loss) Act.

(2) Villupuram Taluk Police Station, Crime No.773 of 2015, registered under Sections 294(b), 323, 324, 506(ii) and 307 IPC r/w. Section 3 of Tamil Property (Prevention of Damage and Loss) Act, altered into Sections 294(b), 352, 506(ii) and 307 of the Indian Penal Code read with Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act.

3. Further, it is averred in the affidavit that on 10.3.2016, one Ravi, son of Anbalagan, as defacto complainant, has lodged a complaint against the detenu, in Villupuram Taluk Police Station and the same has been registered in Crime No.124 of 2016 under Sections 294(b), 506(ii) and 307 of the Indian Penal Code, r/w. Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, and ultimately prayed 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 has represented that the detention order in question has already been revoked by virtue of G.O.Rt.No.2144, dated 18.5.2016, by the Government and a copy of the same has been submitted for the perusal of the Court and this Court has perused the same and found that the detention order in question has already been revoked by the Government and therefore, the relief sought in the petition has become infructuous.

In fine, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar(J)

<https://hcservices.ecourts.gov.in/hcservices/> //True Copy//

Sub Assistant Registrar

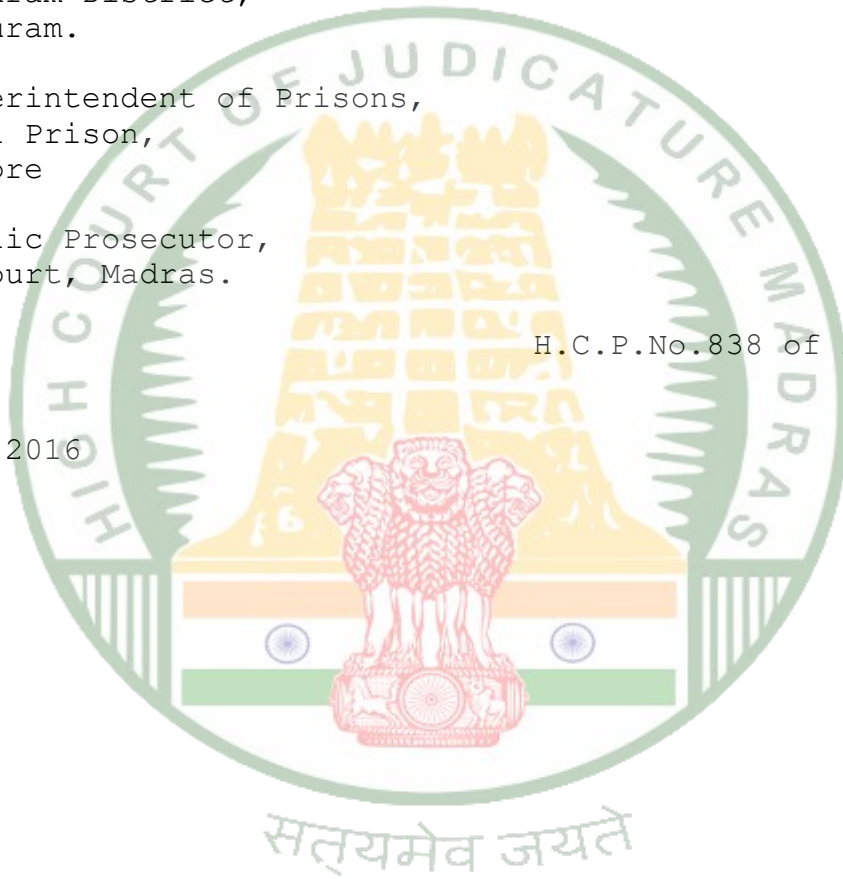
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To

- 1.The Secretary to Government(Home),
Prohibition and Excise Department,
Secretariat, Chennai-600 009
- 2.The District Collector and District Magistrate,
Villupuram District,
Villupuram.
- 3.The Superintendent of Prisons,
Central Prison,
Cuddalore
- 4.The Public Prosecutor,
High Court, Madras.

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