

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.845 of 2016

Ellammal

... 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,
Collectorate, Venkikal,
Tiruvannamalai,
Tiruvannamalai District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents to produce the body of the detenu by name Gobi, S/o.Elumalai, aged 23 years, presently confined at Central Prison, Vellore, before this Court and set him at liberty forthwith, after calling for the records pertaining to the detention order dated 10.04.22016 in D.O.No.13/2016-C2, passed by the 2nd respondent, quash the same.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

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 10.4.2016, passed in D.No.13/2016-C2, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Gopi, Son of Elumalai, and quash the same.

2. The Inspector of Police, Town Police Station, Thiruvannamalai, as sponsoring authority, has submitted an

affidavit to the detaining authority, wherein it is averred that the detenu has involved in the following adverse case:

Tiruvannamalai Town Police Station, Crime
No.202 of 2016, registered under Sections 341, 384,
307 of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 19.3.2016, one Gokulasankaran, son of K.Thangaraj, as defacto complainant, has lodged a complaint against the detenu, in Town Police Station, Tiruvannamalai and the same has been registered in Crime No.203 of of 2016 under Sections 392, 394, 392 r/w.397 of the Indian Penal Code 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 mother of the detenu, as petitioner.

6. The learned Additional Public Prosecutor has represented that the detention order in question has already been revoked by virtue of G.O.Rt.No.2304, dated 19.5.2016, 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(CCC)

//True Copy//

Sub Assistant Registrar

msk

To

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

2. The District Collector and
District Magistrate,
Collectorate,

Venkikal,

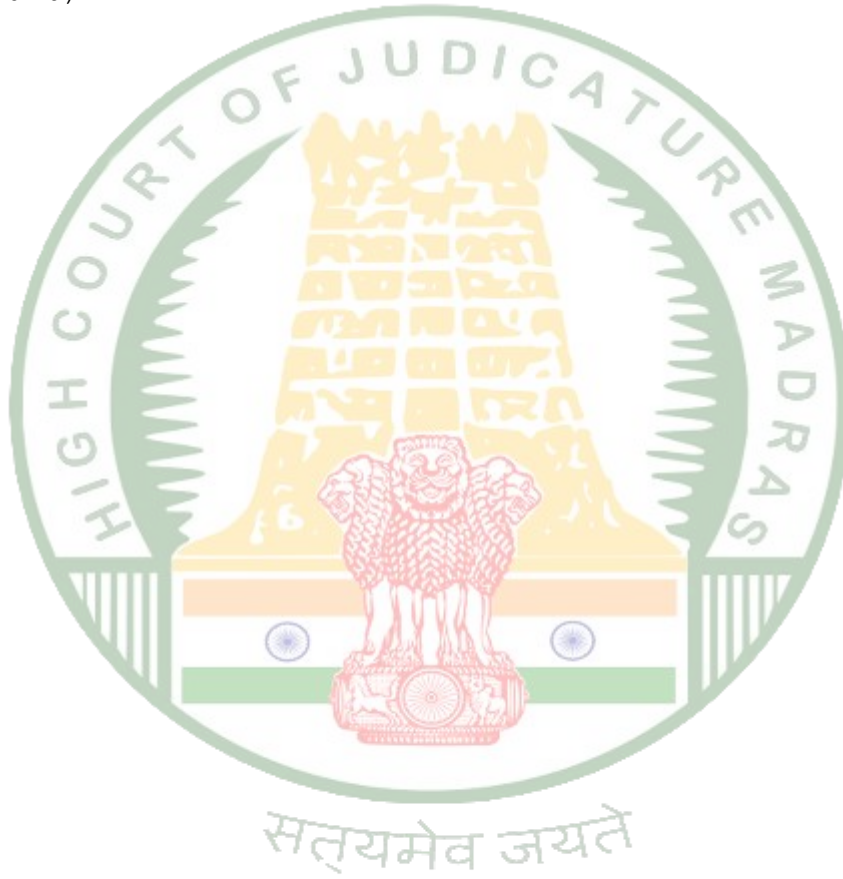
Tiruvannamalai,

Tiruvannamalai District

3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.845 of 2016

KSJ(CO)
CA(27/09/2016)



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