

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

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

H.C.P.No.912 of 2016

K.Sarala

...Petitioner

vs.

1. The Government of Tamil Nadu
Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George
Chennai-600 009

2. The District Collector and
District Magistrate
Kancheepuram District
Kancheepuram

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus, directing the detaining authority to produce the detainee, the petitioner's son Suresh, son of Kannan, aged about 23 years, resident of No.6/291, Thulukanathamman Koil Street, Pareri, Singaperumalkoil, Chengalpatu Taluk, Kancheepuram District has been detained under Act 14 of 1982 after having been declared as 'GOONDA by order of the 2nd respondent, dated 4.4.2016 and presently confined at the Central Prison, Puzhal, as TPDA-7898 under the preventive detention in BCDFGISSSV No.27/2016, quash the said detention, set aside the same and set the detainee at liberty.

For Petitioner : Mr.D.Ahsok Kumar

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 4.4.2016, passed in No.BCDFGISSSV/27/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by

name Suresh, son of Kannan and quash the same.

2. The Inspector of Police, Chengalpattu Town 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) Maraimalai Nagar Police Station Crime No.352 of 2013, registered under Sections 120(B), 147, 148, 342, 302, 149 of the Indian Penal Code.

(2) Chengalpattu Town Police Station Crime No.84 of 2016, registered under Sections 147, 148, 294(b), 324, 506(ii) and 307 of the Indian Penal Code.

3. Further, it is averred in the affidavit that one Kumar, son of Rajendran, as defacto complainant, has given a complaint in Chengalpattu Town Police Station against the detenu and the same has been registered in Crime No.87 of 2016 under Sections 341, 294(b), 392 IPC r/w 397, 307, 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 mother of the detenu, as petitioner.

5. The learned Additional Public Prosecutor has represented that the detention order in question has already been revoked by the Government of Tamil Nady, by virtue of G.O.Rt.No.2850, dated 30.06.2016 and a copy of the same has been submitted for perusal and this Court has perused the same and ultimately found that the detention order in question has already been revoked by the Government.

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

In fine, this habeas corpus petition is dismissed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ajr

To

1. The Government of Tamil Nadu
Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George
Chennai-600 009
2. The District Collector and
District Magistrate
Kancheepuram District
Kancheepuram
3. The Superintendent
Central Prison,
Puzhal, Chennai.
4. The Joint Secretary to Government,
(Law and Order),
Fort St. George,
Chennai.
5. Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
6. Director General of Police,
Chennai - 4
7. The Public Prosecutor,
High Court, Madras.

1CC to Mr.D.Ashok Kumar, Advocate, SR 54163

H.C.P.No.912 of 2016

NM (CO)
PSI 05/10/2016

WEB COPY