

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.925 of 2016

Mr.T.Prasandh

.... Petitioner

vs.

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

2.The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police,
E.V.K.Sampath Salai,
Vepery, Chennai-600 007

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the records of the second respondent relating to the detention No.237/BCDFGISSSV/2016, dated 03.03.2016, and to quash the same and to direct the production of the detenu, Thiagarajan @ Durai, son of Krishnasamy, aged 50 years, now confined in Central Prison, Puzhal, before this Court and to set him at liberty.

For Petitioner : Mr.T.P.Sekar

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 03.03.2016, passed in No.237/BCDFGISSSV/2016, by the detaining authority,

who has been arrayed as second respondent herein, against the detenu, by name Thyagarajan @ Durai, son of Krishnasamy, and quash the same.

2. The Inspector of Police, Central Crime Branch, Chennai, 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:

Central Crime Branch Crime No.43 of 2015, registered under Sections 419, 420, 465, 467, 468, 294(b), 471, 427, 506(i) read with Section 34 of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 15.6.2015, one A.Mani, son of Arunachalam, as defacto complainant, has given a complaint against the detenu, in Central Crime Branch, Chennai and the same has been registered in Crime No.70 of 2016, under Sections 420, 465, 467, 468, 471 read with Section 34 and 506(i) 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 'Slum Grabber', by way of passing the impugned detention order and in order to quash the same, the present petition has been filed by the son 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.2226, 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(CS IV)

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police,
E.V.K.Sampath Salai,
Vepery, Chennai-600 007

3.The Superintendent of Prison,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government,
Public (Law & Order)
Fort st.George, Chennai-9.

+1cc to Mr.T.P.Sekar, Advocate SR.54613

H.C.P.No.925 of 2016

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srg 17/10/2016

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