

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.934 of 2016

Manjula

... Petitioner

vs.

1. State of Tamilnadu
rep.by the Secretary
Home, Prohibition and Excise Department,
Fort St.George, Chennai 9

2.The District Collector and
District Magistrate,
Thiruvannamalai District,
Thiruvannamalai

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records of the detention made in D.O.No.12/2016-C2, dated 10.04.2016, 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 Thiru Veerangan, son of Nagaraj, aged 22 years, now confined in Central Prison, Vellore, at liberty.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.V.M.R.Rajentren, APP

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 10.04.2016, passed in D.No.12/2016-C2, by the detaining authority, who has been arrayed as the second respondent herein, against the detenu, by name Veerangan, son of Nagaraj 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 already involved in the following adverse case:

Tiruvannamalai Town Police Station Crime

No.202 of 2016, registered under Sections 341, 384 and 307 of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 19.3.2016, one Gokulsankaran, son of K.Thangaraj, as defacto complainant, has given a complaint against the detenu in Tiruvannamalai Town Police Station and the same has been registered in Crime No.203 of 2016 under sections 392, 394, 392 read with Section 397 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 wife of the detenu, as petitioner.

5. The learned Additional Public Prosecutor appearing for the respondents has contended that the detention order in question has been revoked by the Government of Tamil Nadu, by virtue of G.O.Rt.No.2302, dated 19.5.2016 and a copy of the same has been submitted for perusal and this Court has perused the same and found that the detention order in question has already been revoked by the Government.

6. Considering the aforesaid factual circumstances, the relief sought in the petition has become infructuous.

In fine this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Home, Prohibition and Excise Department,
Fort St.George, Chennai 9
- 2.The District Collector and
District Magistrate,
Thiruvannamalai District,
Thiruvannamalai
- 3.The Superintend central prison, vellore
- 4.The Public Prosecutor, High court Madras.

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