

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.939 of 2016

Nagalakshmi

... Petitioner

VS.

1.State of TamilNadu
rep.by the Secretary
Home, Prohibition and Excise Department,
Fort St.George
Chennai-600 009

2.The Commissioner of Police,
The Commissioner Office
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 relating to the detention order in Memo No.412/BCDFGISSV/2016 dated 9.4.2016 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Chinni @ Srinivasan, son of Raju, aged about 22 years, the detenu now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's son Chinni @ Srinivasan, son of Raju, aged about 22 years, the detenu herein at liberty.

For Petitioner : Mr.N.S.Amarnath

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 9.4.2016, passed in No.412/BCDFGISSSV/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Chinni @ Srinivasan, son of Raju and quash the same.

2. The Inspector of Police, MGR Nagar 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) R.10 MGR Nagar Police Station Crime No.317 of 2014, registered under Sections 147, 148, 307 altered into 341, 147, 148, 307 r/w 34 of the Indian Penal Code.

(2) R.10 MGR Nagar Police Station Crime No.584 of 2016, registered under Sections 147, 341, 294(b), 323 and 506(i) of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 26.3.2016, one Kannan, son of Nagaraj, as defacto complainant, has lodged a complaint against the detenu, in MGR Nagar Police Station and the

same has been registered in Crime No.590 of 2016 under Sections 341, 294(b), 397, 427, 336, 427 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.2208, dated 18.5.2016 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. Since 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.

(A.S.J.) (P.K.J.)
26.09.2016

ajr

To

- 1.The Secretary
State of TamilNadu
Home, Prohibition and Excise Department,
Fort St.George
Chennai-600 009
- 2.The Commissioner of Police,
The Commissioner Office
Vepery, Chennai-600 007
3. The Superintendent
Central Prison,
Puzhal, Chennai
- 4.The Public Prosecutor,
High Court, Madras.

**A.SELVAM,J.
AND
P.KALAIYARASAN,J**

ajr

H.C.P.No.939 of 2016

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