

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
and
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1415 of 2017

Ponniyammal

.. Petitioner

Vs.

1. The State rep.by Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai -9

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

.. Respondents

Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Habeas Corpus, call for the records in
BCDFGISSSV No.65/2017 passed by the 2nd respondent on
20.07.2017 set aside the same and direct the respondents to
produce the Valli wife of Kanniyappan, aged 48 years, who is now
detained in Special Prison for Women, Puzhal, Chennai -66.

For Petitioner : Mr. S.Swamidoss Manokaran

For Respondents : Mr. V.M.R.Rajentran
Addl. Public Prosecutor

ORDER

[Order of the Court was made by **RAJIV SHAKDHER, J.**]

1. This is a petition challenging the detention order dated 20.7.2017.

1.1. The detenue/Tmt.Valli, has been detained in exercise of powers conferred on the detaining authority under Section 3 (1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest Offenders, Goondas, immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act 1982. (In short "1982 Act").

2. A perusal of the detention order will show that one of the adverse cases noted is crime No.335 of 2017. The detention order further shows that, in that case, the detenue was arrested

on 24.06.2017 at 21.00 hours.

3. Insofar as the case qua which the detenue has been put under detention is concerned, a reference to the same is made in paragraph 3 of the detention order. The detaining authority, in regard to this case, has stated that the detenue was arrested on 25.06.2017. It is, thus, argued before us by the counsel for the petitioner that there is a total non-application of mind.

4. Notice in this petition was issued as far back as on 02.8.2017.

4.1. The State has not filed a counter affidavit as yet.

5. Having regard to what is stated before us by the counsel for the petitioner, we are of the view that the detaining authority has not applied its mind to the matter in issue.

6. The detenue was arrested in the adverse case on 24.06.2017. Logically, therefore, no way could the detenue have been arrested, once again, on 25.06.2017, unless he was enlarged on bail on the very same day, i.e., on 24.06.2017.

6.1. There is, thus, according to us, a complete non-

application of mind by the detaining authority.

7. Given the aforesaid circumstances, we are inclined to quash the detention order. It is ordered accordingly.

7.1. The detenue, Valli, wife of Mr. Kanniyappan aged about 48 years, is directed to be released forthwith unless her custody is required in connection with another case.

8. Consequently, this order will be communicated to the concerned Jail Superintendent by the Registrar General of this Court via Fax.

[R.S.A.J.]

[N.S.K.J.]

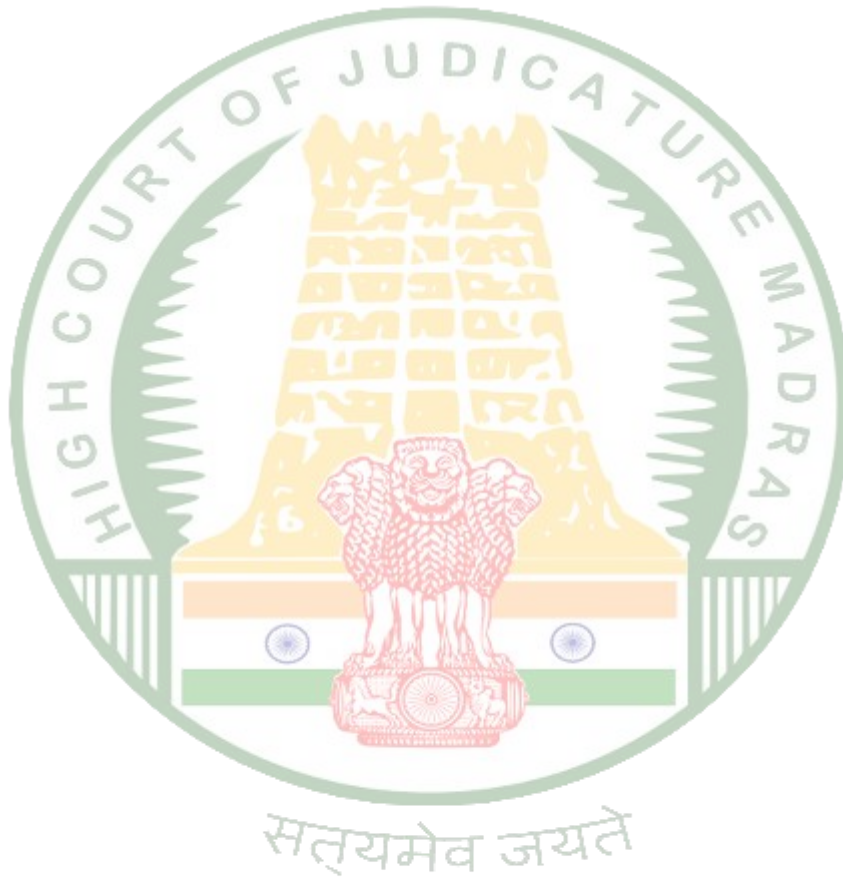
26.10.2017

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Note to office

1. Issue copy by today itself
 2. order will be communicated Jail Superintendent, Special Prison for Women, Puzhal, Chennai, by the Registrar General of this Court via Fax.
- To
1. The Secretary, Home, Prohibition and Excise Department
Secretariat, Chennai -9
 2. The District Collector and
The District Magistrate,
Kancheepuram, Kancheepuram District .
 3. Special Prison for
Women, Puzhal, Chennai
 4. The Public Prosecutor

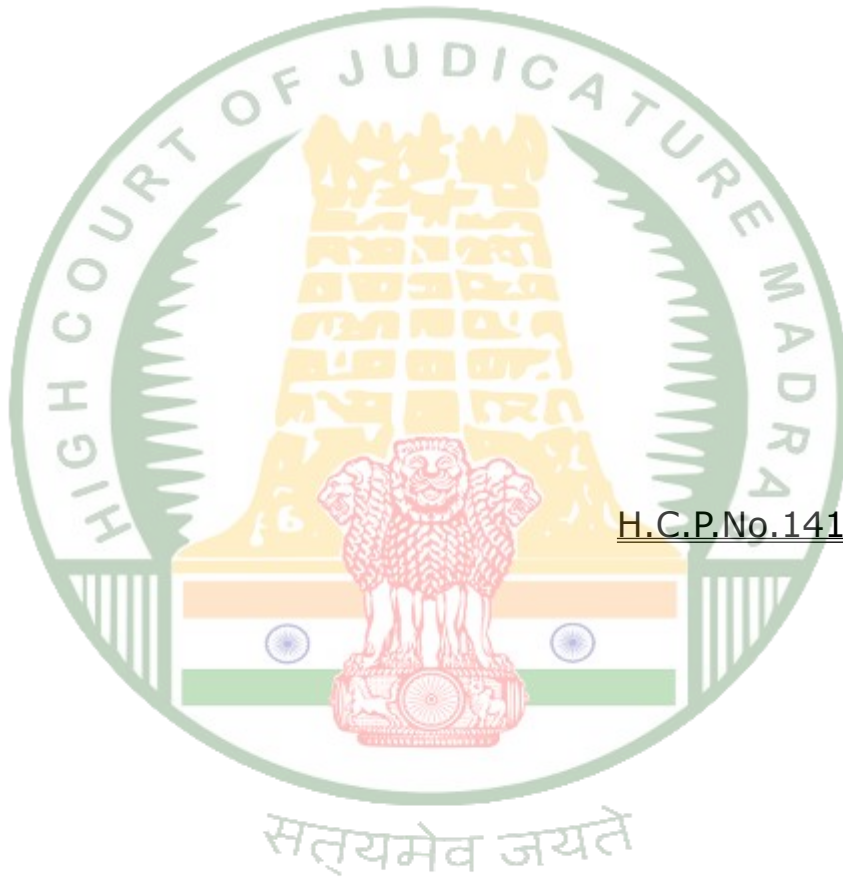
High Court, Madras.



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RAJIV SHAKDHER, J.
AND
N.SATHISH KUMAR, J.

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