

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

and

THE HONOURABLE JUSTICE R.MAHADEVAN

H.C.P No.143 of 2017

Jayaseelan

.....Petitioner

Vs

1. State of Tamilnadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2. The Commissioner of Police
Chennai Police
Vepery, Chennai - 600 007.

.....Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus of any other appropriate writ or direction in the nature of writ calling for the entire records relating to my cousin brother's detention under Tamilnadu Act 14 of 1982 vide detention order, dated 09.01.2017 on the file of the second respondent herein made in proceedings BCDFGISSSV No.08/2017, quash the same as illegal and consequently direct the respondents herein to produce my cousin brother namely Praveen Kumar son of Muniyandi aged 23 years before this Hon'ble High Court and set my cousin brother at liberty from detention, now my cousin brother detained at Central Prison - II, Puzhal, Chennai - 600 066.

For Petitioner : Mr. C.C.Chellappan

For Respondents : Mr.E.Raja,
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.M.Sundresh, J.,)

The petitioner is the cousin brother of the detenu seeking to challenge the detention order, dated 09.01.2017.

2 The learned counsel for petitioner would submit that the names and particulars of the relatives who are likely to move bail application have not been indicated, except a general statement.

3 The learned counsel for petitioner has rightly submitted that in similar cases, this Court has already set aside the detention order on the very same ground, holding that it as non-application mind on the part of the detaining authority.

4 In such view of the matter, we are of the view that the detention order dated 09.01.2017 passed by the second respondent is liable to be set aside.

5 Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 09.01.2017 passed by the 2nd respondent is hereby set aside and the detenu is directed to be released forthcoming unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

AP

To

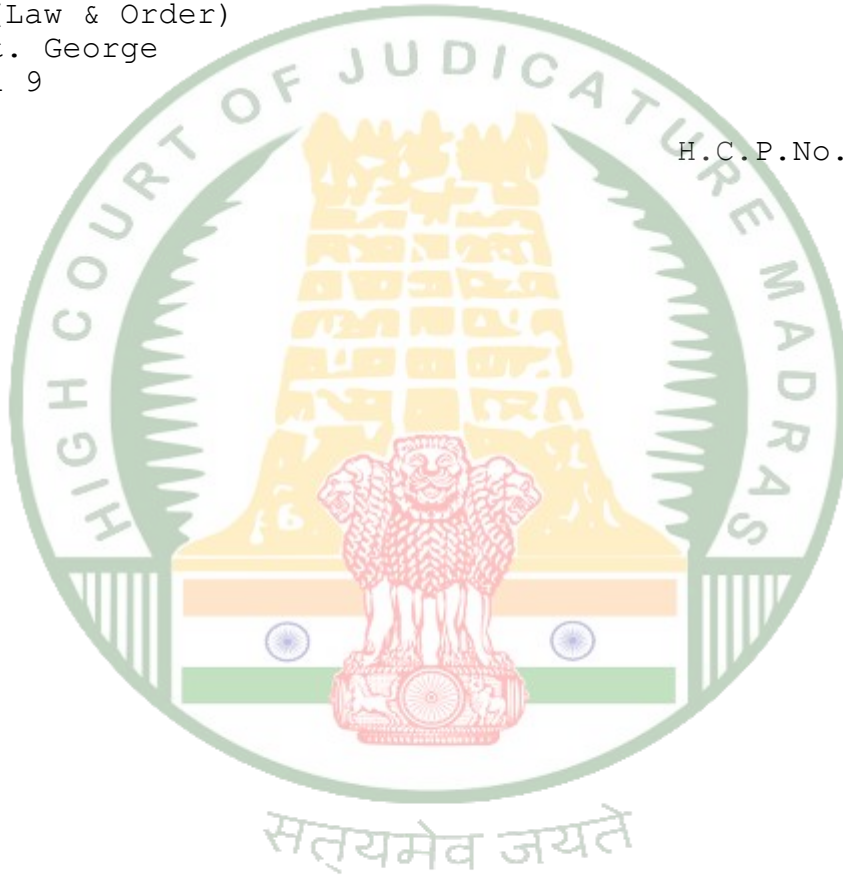
1. The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

WEB COPY

2. The Commissioner of Police
Chennai Police Vepery, Chennai - 600 007.
3. The Public Prosecutor, High Court of Madras.
4. The Superintendent, central Prison
Puzhal, Chennai
5. The Joint Secretary to Government
Public(Law & Order)
Fort.St. George
chennai 9

H.C.P.No.143 of 2017

AK (CO)
sp/7/6



WEB COPY