

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM  
AND  
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.1530 of 2017

Sathya

... Petitioner

vs.

1. State of Tamil Nadu,  
rep.by its Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Fort. St. George, Chennai-600 009.
  2. The District Magistrate and District Collector,  
Salem District.
  3. The Superintendent of Police,  
Salem District, Salem
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the entire records leading to the detention of the petitioner's husband Thangaraj, s/o.Kavery, aged about 35 years, is presently lodged in Central Prison, Salem and has been detained under Tamil Nadu Act 14/1982, as a 'Goonda', vide detention order dated 19.08.2016, on the file of the 2<sup>nd</sup> respondent herein, made in Memo No.C.M.P.No.21/Goonda/C2/2016, and quash the same and consequently, direct the respondents herein to produce the body and person of the detenu before this Court and thereafter, set him at liberty from the Central Prison, Salem,.

For Petitioner : Mr.A.B.Ashok

For Respondents : Mr.V.M.R.Rajentren, Addl.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 19.08.2016, passed in C.M.P.No.21/Goonda/C2/2016, by the detaining authority, who has been arrayed as the second respondent herein, against the detenu, by name Thangaraj, Son of Kavery, residing at 102-D, Kollappatty, Thekkampatty, Moongilpady, Omalur Taluk, Salem District, now in front of Mariamman Koil, T.Kollappatty, Moongilpady, Omalur Taluk, Salem District and quash the same.

2. The learned counsel appearing for the petitioner has

contended that the detention order has been passed on 19.08.2016 only for a period of one year and the same has elapsed.

3. Considering the fact that the detention order in question has been passed on 19.08.2016 only for a period of one year and the said period has already elapsed, the relief sought in the petition has become infructuous and the same is liable to be dismissed.

4. In fine, this habeas corpus petition is dismissed. The respondents are directed to set the detenu, by name, Thangaraj, aged 34 years, son of Kavary, at liberty, if he is in custody, forthwith, unless he is required to be incarcerated in connection with some other case.

s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

msk

To

1. The Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-600 009.
2. The District Magistrate and District Collector,  
Salem District.
3. The Superintendent of Police,  
Salem District, Salem
4. The Superintendent, Central Prison,  
Salem.
5. The Public Prosecutor,  
High Court, Madras

H.C.P.No.1530 of 2017

SSI (CO)  
sp(04/09/2017)