

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 17.05.2017

Coram:-

The Honourable Mr. Justice M.M.SUNDRESH
and

The Honourable Mr. Justice R.SUBRAMANIAN
Habeas Corpus Petition No.19 of 2017

M.Tharani

... Petitioner

Vs.

1. The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai, Office of the
Commissioner of Police(Goondas Section),
Vepery, Chennai-600 007.

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the entire records in connection with the order of detention passed by the second respondent dated 29.11.2016 in Memo No.1198/BCDFGISSSV/2016 against the petitioner's son Karthik, Son of Munusamy, aged about 23 years, who is confined at Central Prison, Puzhal, Chennai, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.V.Paarthiban

For Respondents: Mr.E.Raja,

Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the detenu by name Karthik, who has been detained by the 2nd respondent under the provisions of the Tamil Nadu Act 14 of 1982 branding him as a 'Goonda' by an impugned Detention Order dated 29.11.2016. Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2. We have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3. Though several grounds have been raised in this petition, the learned Counsel for the petitioner would focus his argument on two grounds mainly. The first ground is with respect to the non application of mind on the part of the Detaining Authority since both the bail applications are dismissed and no further application is pending and there is no likelihood of imminent possibility of the detenu coming out on bail. The second ground is with respect of the non furnishing of the particulars of the relatives, who are preparing to file an application on behalf of the detenu.

4. Without going into the first issue, we are inclined to quash the detention order on the second issue that the detention order passed by the second respondent does not indicate the names and particulars of the relatives, who are taking steps to file an application on behalf of the detenu.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in BCDFGISSSV No.1198 of 2016 dated 29.11.2016 passed by the second respondent is quashed. The detenu, namely, Karthik, son of Munusamy, is directed to be released forthwith, unless his presence is required in connection with any other case.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The Commissioner of Police, Greater Chennai, Vepery,
Chennai-600 007.
3. The Superintendent, Central Prison, Puzhal, Chennai.
(In duplicate for communication to the petitioner)
4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5.The Public Prosecutor, High Court, Madras.

HCP. No.19 of 2017

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