

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

H.C.P.No.403 of 2017

Chitra
W/o.Mahendran

.. Petitioner

Vs.

1.State of Tamil Nadu,
Rep. By its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the entire records relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 08.02.2017 on the file of the second respondent herein made in proceedings No.50/BCDFGISSSV/2017 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband namely Mahendran, S/o.Murugesan, aged 38 years before this Court and set the petitioner's husband at liberty from detention, now petitioner's husband detained at Central Prison-II, Puzhal, Chennai - 600 066.

For Petitioner : Mr.C.C.Chellappan

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

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the wife of the detenu seeking to quash the detention order dated 08.02.2017, passed by the second respondent.

2. It is submitted by the learned counsel for the petitioner that the co-accused in the ground case, who also suffered a detention order got it quashed through the order of this Court in H.C.P.No.362 of 2017, dated 12.05.2017, on the ground that the said order has been passed on non-application of mind, since no bail application was filed and pending.

3. Heard the submissions of the learned Additional Public Prosecutor appearing for the respondents.

4. In such view of the matter, this Court is inclined to set aside the detention order, as it involves the same issue.

5. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 08.02.2017, passed by the second respondent, is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vsm

To

- 1.The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.
- 3.The Superintendent,Central Prison,
Puzhal,Chennai.
- 4.The Joint Secretary to Government,
Public(L& O),Fort St.George,Chennai-9.
- 5.The Public Prosecutor,High Court, Madras.

H.C.P.No.403 of 2017

mp(co)
ss(5/6/2017)