

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Habeas Corpus Petition No.447 of 2017

Roja

.. Petitioner

Vs.

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

2. The District Collector and
the District Magistrate,
T.V.Malai District,
T.V.Malai.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to call for the entire records relating to the detention order passed in D.O.No.07/2017-C2 dated 26.02.2017 passed by the second respondent and set aside the same and consequently direct the respondents herein to produce the detainee namely Jayakumari, female, aged 35 years, W/o (late) Annadurai,, who is now detained in Special Prison for Women, Vellore before this Court and set her at liberty.

For Petitioner : Mr.S.Swamidoss Manokaran

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 sister of the detainee Jayakumari, female, aged 35 years, has come forward with this

Writ of Habeas Corpus Petition seeking to quash the detention order in D.O.No.07/2017-C2 passed by the second respondent, dated 26.02.2017, against her sister branding her as a "Bootlegger" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. The learned counsel for the petitioner would submit that there is no subjective satisfaction while passing the detention order as the reliance made in the similar case passed in CrI.M.P.No.2206 of 2015 dated 03.07.2015 is not legally sustainable, since in the said case, there is no objection on the part of the prosecution to get the accused out of bail.

3. We perused the records carefully and the said assertion made by the learned counsel for the petitioner on the merits made is accepted. Therefore, we are inclined to set aside the detention order dated 26.02.2017.

4. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 26.02.2017 is quashed. The detinue is directed to be set at liberty, forthwith, unless her presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cla/sts

To

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

2. The District Collector and
the District Magistrate,
T.V.Malai District,
T.V.Malai.

3. The Superintendent,
Special Prison for Women,
Vellore.
4. The Joint Secretary to Government
Public (Law and Order),
Fort Saint George,
Chennai-9.
5. The Public Prosecutor,
Madras High Court,
Chennai.

H.C.P.No.447 of 2017

GMI (CO)
CS/22/06/17



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