

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.549 of 2017

Md.Aslam Khan .. Petitioner/Father of the detenu
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,
Vellore District,
Vellore 9. .. 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 in C-3/D.O.No.20/2017 dated 19.02.2017 passed by the second respondent and set aside the same and direct the respondents herein to produce the detenu namely Imran Khan, S/o Aslam Khan, aged 24 years, who is now detained in Central Prison, Vellore-9 before this Court and set him 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 father of the detenu Imran Khan, S/o Aslam Khan, aged 24 years, has come forward with this Writ of Habeas Corpus Petition seeking to quash the detention order in Memo No. C-3/D.O.No.20/2017 passed by the second respondent, dated 19.02.2017, against his son branding him as a "Goonda" 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 said impugned detention order dated 19.02.2017 is said to be challenged by the petitioner, alleging that there was non-application of mind on the part of the detaining authority. In as much as, the similar order particulars relied upon by the detaining authority was not on merits and passed on default, in view of non filing of the charge sheet within the statutory period, enlarged the accused therein on bail.

3.We have perused the records carefully and considered the submissions made by the learned counsel for the petitioner and we find that there is non application of mind on the part of the detaining authority in passing the detention order. In such view of the matter, we are inclined to set aside the detention order on the ground of non application of mind.

4.Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 19.02.2017 is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cla/sts

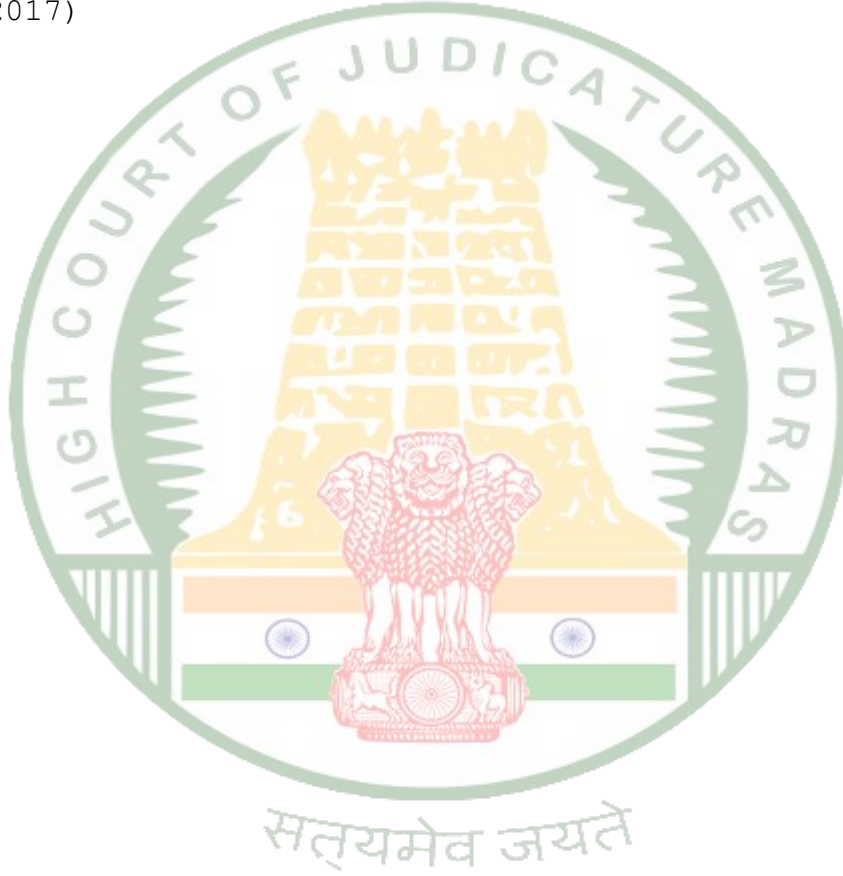
To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The District Collector and
the District Magistrate,
Vellore District,
Vellore 9.
3. The Superintendent, Central Prison,
Vellore.

4. The Joint Secretary to Government,
Public (L & Order)
Fort Saint George, Chennai-9.
5. The Public Prosecutor,
Madras High Court, Chennai.

Order in
H.C.P.No.549 of 2017

SJ(CO)
VR(19/06/2017)



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