

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.72 of 2017

Anjalatchi
W/o.Murugan

... Petitioner

Vs.

1.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.

2.The Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in C3/D.O/31/2016 on the file of the first respondent, quash the detention order dated 05.12.2016 and direct the production of the detenu Murugan, S/o.Selvam presently detained at the Central Prison, Cuddalore under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr.A.M.Rahamath Ali

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

O R D E R

[Order of the Court was made by R.SUBRAMANIAN, J.]

The wife of the detenu challenges the order of detention dated 05.12.2016, on the ground of non application of mind.

2. The learned counsel appearing for the petitioner would contend that the order granting bail in a similar case is dated 24.11.2016, whereas in the ground case, the District Court has refused to grant bail to the detenu on 29.11.2016. Therefore, the detaining authority was not justified in referring to the order, which is prior to the dismissal of the bail application of the detenu.

3. In our considered opinion, this amounts to non-application of mind on the part of the detaining authority, which renders the detention order liable to be quashed.

4. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 05.12.2016, passed by the first 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
- 2.The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

5.The Public Prosecutor,
Madras High Court, Chennai.

H.C.P.No.72 of 2017

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srg 21/06/2017



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