

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE JUSTICE R.MAHADEVAN

H.C.P No.92 of 2017

Sudha

...Petitioner

Vs

1.State of Tamil Nadu,
Rep. by The Secretary, Home,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2. District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Villupuram District. ...Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus of any other appropriate writ or direction in the nature of writ calling for the records relating to the detention order in No.C2/31092/2016, dated 20.12.2016 passed by the 2nd respondent to Produce the petitioner's husband Thiyagu @ Thiyagarajan S/o. Kumar aged about 27 years the detenu, now confined in Central Prison, Cuddalore before this Hon'ble Court and set the petitioner's husband at liberty.

For Petitioner : Mr.U.Yuvaraj

For Respondents: Mr.E.Raja.

Additional Public Prosecutor

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ORDER

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

The petitioner herein is the wife of the detenu seeking to challenge the detention order dated 20.12.2016.

2.Learned counsel for the petitioner made only one submission to the effect that there is non-application of mind

on the part of the detaining authority in coming to the subjective conclusion about the detenu coming out on bail has admittedly no bail application is pending.

3.This factual aspect is not controverted.

4.In such view of the matter, we are of the opinion that the detention order is liable to be set aside.

5.Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 20.12.2016 passed by the 2nd respondent is hereby set aside and the detenu is directed to be released forthcoming unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary, Home,
State of Tamilnadu,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Villupuram District.
3. The Public Prosecutor, High Court of Madras.
4. The Superintendent,
Central Prison,
Cuddalore.
5. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai.

H.C.P.No.92 of 2017

SCD(CO)
RS(09/06/2017)