

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.1598 of 2016

Elumalai

.. 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

Chennai Police

Veperiy, Chennai - 7

.. Respondents

Prayer: 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 petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order No.665/BCDFGISSSV, dated 09.07.2016 on the file of the second respondent herein and quash the same as illegal and consequently direct the respondents herein to produce the detenu, namely Chettiar @ Nagaraj, aged 23 years, Son of Perumal before this Court and set him at liberty from detention.

For Petitioner : Mr.T.V.Somasundaram

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed, by the brother of the detenu, namely, Chettiar @ Nagaraj, aged 23 years, Son of Perumal, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in D.O.No.665/BCDFGISSSV/2016, dated 09.07.2016, passed by the

second Respondent, detaining him, under Section 3(1) of 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), branding him as a "Goonda", in the Central Prison, Puzhal, Chennai, and to quash the same and to direct the Respondents to produce him before the Court and set him at liberty forthwith.

2 At this stage of the hearing of the Habeas Corpus Petition, the learned Additional Public Prosecutor appearing on behalf of the respondents would submit that the order of detention passed by the second respondent, against the petitioner, dated 09.07.2016, has been revoked by the Government, in G.O. Rt. No.3743, Home, Prohibition and Excise (XIII) Department, dated 12.08.2016 and he has also produced a copy of the said order.

3. Recording the submission of the learned Additional Public Prosecutor, this petition is dismissed, as infructuous.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa
To

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

2. The Commissioner of Police
Chennai Police
Vepery, Chennai - 7

3. The Public Prosecutor,
High Court, Madras.

rsy(CO)
md(13/02/2017)

H.C.P.No.1598 of 2016