

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

and

THE HON'BLE DR.JUSTICE ANITA SUMANTH

H.C.P.No.1846 of 2016

A.Sagundhala

...Petitioner

versus

1.The State of Tamil Nadu
represented by
The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai - 600 009.

2.The District Collector
and District Magistrate,
Thiruvannamalai,
Thiruvannamalai District.

3.The Superintendent,
Special Prison for Women,
Vellore, Vellore District.

...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 connected with the order of detention passed by the second respondent in D.O.No.31/2016-C2 dated 17.08.2016 on the file of the second respondent and quash the same, consequently, direct the respondents to produce the detainee, namely the petitioner's daughter Kalaivani, aged about 48 years detained in the Special Prison for Women, Vellore before this Court and set her at liberty.

For Petitioner : Mr.E.Sathiyaraj

For Respondents: Mr.V.M.R.Rajentren,

Additional Public Prosecutor.

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

Challenge is made to the order of detention passed by the second respondent vide Proceedings D.O.No.31/2016-C2 dated 17.08.2016, whereby the detenu, namely T Kalaivani, aged about 48 years, was ordered to be detained under Bootlegger as contemplated under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980).

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3.Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel for the petitioner would mainly focus his arguments mainly on the ground that there are lot of discrepancies between the English and Tamil version of the detention order. The learned counsel has taken us through the Tamil and English version of the detention order. As he has rightly pointed out, there are lot of discrepancies in between the Tamil and English version of the detention order. This, in our considered view, caused serious prejudice to the detenu, in making effective representation before the authority concerned. Therefore, we are inclined to quash the detention order.

4.Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 17.08.2016, passed by the second respondent is set aside. The detenu is directed to be released forthwith unless her presence is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai - 600 009.

2.The District Collector
and District Magistrate,
Thiruvannamalai,
Thiruvannamalai District.

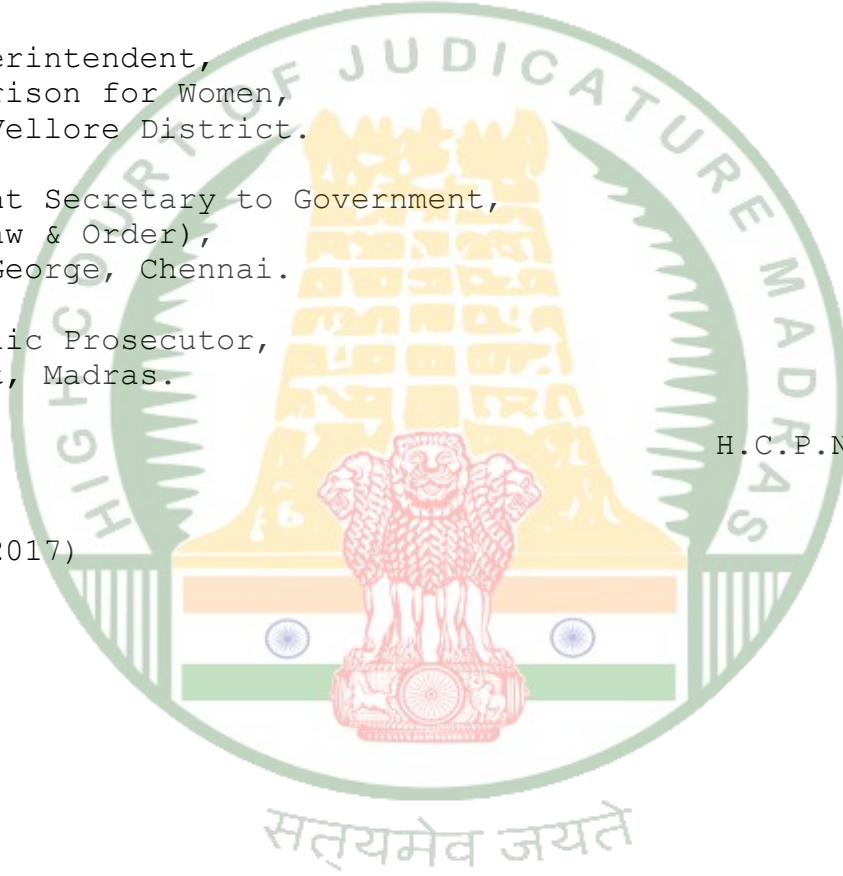
3.The Superintendent,
Special Prison for Women,
Vellore, Vellore District.

4.The Joint Secretary to Government,
Public (Law & Order),
Fort St. George, Chennai.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1846/2016

SKS (CO)
RS (13/06/2017)



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