

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
Habeas Corpus Petition No.2696 of 2016

Ranjitham

... Petitioner

Vs.

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

2.The Commissioner of Police,
The Commissioner Office,
Vepery, Chennai-600 007.

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the detention order in Memo No.1175/BCDFGISSSV/2016, dated 22.11.2016 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son's friend Thiru Manikandan @ Chinnamani, S/o Munusamy, aged about 22 years the detenu now confined in Central Prison, Puzhal, Chennai, before this Court and set the petitioner's son's friend Thiru Manikandan @ Chinnamani, S/o Munusamy, aged about 22 years the detenu herein at liberty.

For Petitioner : Mr.R.Muthukumar
For Respondents : Mr.E.Raja,
Additional Public Prosecutor

O R D E R

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

The petitioner is the friend's mother of the detenu by name Manikandan @ Chinnamani, S/o Munusamy, who has been detained by the 2nd respondent under the provisions of the Tamil Nadu Act 14

of 1982 branding him as a 'Goonda' by an impugned Detention Order dated 22.11.2016. Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

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

3. The only point raised by the learned counsel for the petitioner is that though in paragraph 4 of the grounds of detention it has been stated that the relatives of the detenu are taking steps to take him out on bail in S-5 Pallavaram Police Station Crime No.1560/2016 and S-6 Sankar Nagar Police Station Crime Nos.1997/2016, 2019/2016, 2033/2016, 2176/2016 and 2257/2016 by filing bail application before the appropriate Court, no such particulars have been indicated and hence, the order of detention has to be quashed on the ground of non application of mind.

4. Considering the fact that no particulars of the relatives of the detenu, who are seeking to file bail application, are indicated in the grounds of detention, we are inclined to quash the order of detention.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in BCDFGISSV No.1175/2016, dated 22.11.2016 passed by the second respondent is quashed. The detenu, viz., Manikandan @ Chinnamani, S/o Munusamy, is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

raa

WEB COPY

To

1. The Secretary to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai-600 009.
2. The Commissioner of Police,
The Commissioner Office,
Vepery, Chennai-600 007.
3. The Superintendent, Central Prison, Puzhal, Chennai.
4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.
5. The Public Prosecutor,
High Court, Madras.

HCP. No.2696 of 2016

PA(CO)
RS(12/06/2017)



WEB COPY