

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.2709 of 2016

N.Aabavanan

... Petitioner

Vs.

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

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

... 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 D.O.No.60/2016-C2, dated 16.12.2016 on the file of the 2nd respondent and quash the same and direct the respondents to produce the Corpus of the detainee Tmt.Manavartha, W/o Manickam, aged about 45 years, residing at No.264, Thiyagi Annamalai Nagar, Tiruvannamalai Town and Taluk, Tiruvannamalai District (Now detained in Special Prison for Women at Vellore) before this Court and set her at liberty.

For Petitioner : Mr.S.Kumaradevan

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

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O R D E R

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

The petitioner is the son of the detainee by name Manavartha, who has been detained by the 2nd respondent under the provisions of the Tamil Nadu Act 14 of 1982 branding him as a 'Bootlegger' by an impugned Detention Order dated 16.12.2016. 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 detainee are trying to release her on bail in the ground case in Tiruvannamalai East Police Station Crime No.800/2016 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 detainee, 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 D.O.No.60/2016-C2, dated 16.12.2016 passed by the second respondent is quashed. The detainee, viz., Manavartha, is directed to be released forthwith, unless her presence is required in connection with any other case.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

raa

To

1. The Secretary to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai-600 009.

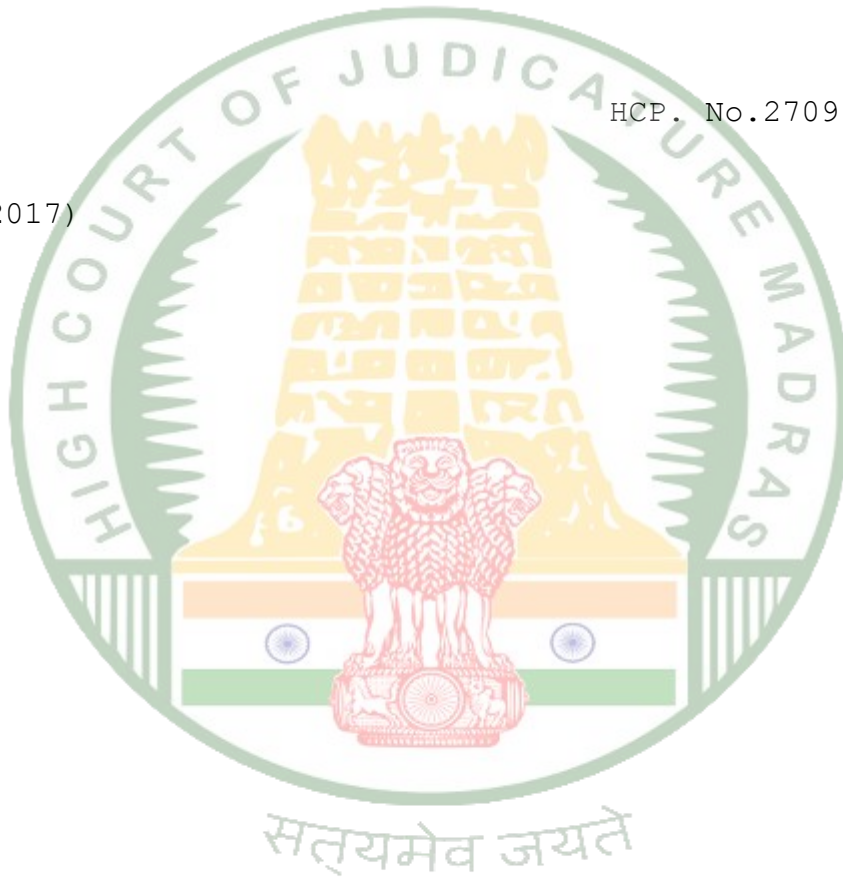
2. The District Collector
and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.

3. The Superintendent,
Special Prison for Women
Vellore.
4. The Joint Secretary to Government,
Public (Law and Order)
Fort St. George, Chennai-9.
5. The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Kumaradevan, Advocate Sr. 37583

HCP. No.2709 of 2016

NM(CO)
VR(12/06/2017)



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