



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **08.11.2017**

CORAM:

THE HONOURABLE MR. JUSTICE **R. SUBBIAH**

AND

WEB COPY THE HONOURABLE MR. JUSTICE **A.D. JAGADISH CHANDIRA**

H.C.P. [MD]. No. 960 of 2017

Thoondi @ Balakrishnan

: Petitioner

Vs.

1. State of Tamil nadu, rep by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai 600 009.

2. The District Collector and
District Magistrate,
O/o.The District Collector and
District Magistrate,
Nagapattinam District,
Nagapattinam.

3. The Superintendent,
Central Prison,
Tiruchirappalli.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in C.O.C.No.43/2017 dated 21.06.2017 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner namely, Thoondi @ Balakrishnan, S/o.Veerappan, male, aged about 45 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner

: Mr.K.A.S.Prabhu

For Respondents

: Mr.C.Ramesh

Additional Public Prosecutor

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The present Habeas Corpus Petition has been filed by the detenu - Thoondi @ Balakrishnan, S/o.Veerappan, male, aged about 45 years. The detenu has been detained, as per the order of the second respondent in C.O.C.No.43/2017 dated 21.06.2017, under Section 2(b) of the Tamilnadu Act 14 of 1982, branding him as



"Boot-Legger". Challenging the same, the petitioner has come up with this Habeas Corpus Petition.

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

3. Today, when the Habeas Corpus Petition was taken up for consideration, the learned counsel for the petitioner represented that detention passed by the detaining authority under 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 (hereinafter referred to as 'the Act'), was not placed before the Advisory Board within a period of three weeks as stipulated under Section 10 of the Act.

4. The learned Additional Public Prosecutor appearing for the respondents also on verification confirmed the statement made by the learned counsel for the petitioner that the entire records relating to the detention were not placed before the Advisory Board as per Section 10 of the Act.

5. In view of the above, this Habeas Corpus Petition is allowed and the impugned detention order in C.O.C.No.43/2017 dated 21.06.2017, passed by the second respondent is set aside and the detenu by name Thoondi @ Balakrishnan, S/o.Veerappan, male, aged about 45 years, is directed to be released forthwith, if his continued custody is not authorised in specific cases or by any other detention order.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2. The District Collector and
District Magistrate,
O/o.The District Collector and
District Magistrate,
Nagapattinam District,
Nagapattinam.



3. The Superintendent,
Central Prison,
Tiruchirappalli.

4. The The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai-9

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.A.S.Prabhu, Advocate Sr.No.85773

NS

VB/MR/KKR/SAR3/23/11/2017/3P/7C

ORDER MADE IN
H.C.P.[MD].No.960 of 2017
08.11.2017