

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.545 of 2018

Rani
W/o.Mookkan

... Petitioner

-Vs-

1.The District Collector and District
Magistrate,
Cuddalore District,
Cuddalore.

2.The Principal Secretary to the
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in C3/D.O./09/2018 on the file of first respondent, set aside the detention order dated 28.02.2018 and direct the production of the detenu Mookkan S/o.Chinnasamy, presently detained at Central Prison, Cuddalore, under the Tamil Nadu Act 14 of 1982 as a a Bootlegger, before this Court and set him at liberty.

For Petitioner : Mr.K.Balasubramaniam

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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O R D E R

[Order of the Court was made by C.T.SELVAM, J]

Petitioner is the wife of the detenu viz., Mookkan S/o.Chinnasamy, who has been branded as a "Bootlegger" under the Tamil Nadu Act 14 of 1982 and detained under order of the first respondent passed in C3/D.O/09/2018 dated 28.02.2018.

2. The detenu came to adverse notice in the following cases:-

Sl.No .	Police Station and Crime No.	Sections of Law
1.	Ramanatham Police Station, Crime No.205/2017	4(1)(aaa) & 4(1-A) TNP Act
2.	Ramanatham Police Station, Crime No.07/2018	4(1)(aaa) & 4(1-A) TNP Act
3.	Ramanatham Police Station, Crime No.23/2018	4(1)(aaa) & 4(1-A), 4(1)(g) TNP Act
4.	Vridhachalam P.E.Wing, Crime No.81/2018	4(1)(aaa) & 4(1-A) TNP Act

The alleged ground case has been registered against the detenu in Crime No.27 of 2018 on the file of Ramanatham Police Station for offences under sections 4(1)(aaa), 4(1-A) TNP Act r/w 14A Transport. Aggrieved by the order of detention, the present writ petition has been filed.

3. Learned counsel for petitioner submits that despite the admitted position that the detenu has not filed any bail application in the ground case, the detaining authority has informed a real possibility of his coming out on bail since in similar case, bail was granted by District Sessions Judge, Cuddalore. In support of such inference, there absolutely is no material. It has not been shown that either the detenu/his relatives/friends were making arrangements to move a bail application on his behalf. It is, therefore, submitted that the detaining authority has arrived at subjective satisfaction without entering upon objective consideration.

4. We have heard learned Additional Public Prosecutor on the above submissions and also perused the records.

5. Finding that the subjective satisfaction arrived by the detaining authority is erroneous and for the reasons put forth by learned counsel for the petitioner, this Court would allow the present petition.

Accordingly, the impugned detention order passed by the first respondent, detaining the detenu, namely, Mookkan S/o.Chinnasamy, made in C3/D.O/09/2018 dated 28.02.2018, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Principal Secretary to the Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
- 2.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.K.Balasubramaniam, Advocate Sr.54839

H.C.P.No.545 of 2018

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srg 14/09/2018