



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.585 of 2018

R.Kumeresan

... Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Secretariat,
Chennai 600 009.
2. The District Collector and District Magistrate,
Pudhukottai District,
Pudhukottai.
3. The Superintendent of Prison,
Special Prison for Women Prison,
Thiruchirapalli-620 020.
4. State represented by
The Inspector of Police,
PEW-Pudukkottai Police Station,
Pudukkottai District, Pudukkottai.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records relating to the impugned detention order made in P.D.O.No.06/2018 dated 13.04.2018 passed by the second respondent herein and quash the same as illegal and consequently direct the respondents to set the petitioner's mother/detenu namely Tmt.R.Ranjitham, W/o.Ramaiah aged about 56 years, who is confined at Special Prison for Women, Tiruchirapalli at liberty.

For Petitioner
For Respondents

: Mr.T.Antony Arul Raj
: Mr.V.Neelakandan, APP

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

The petitioner is the son of the detenu - R.Ranjitham, W/o.Ramaiah. The detenu has been detained by the second respondent by the impugned Detention Order in P.D.O.No.06/2018 dated 13.04.2018, holding her to be a "Boot legger", as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982.



2. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner would mainly focus his argument on the ground that detenu has not filed bail application in respect of 3 adverse cases and further, the Detaining Authority has not informed the possibility of detenu being released, which, according to the learned counsel, shows total non-application of mind on the part of the Detaining Authority, which vitiates the order of detention.

3. We have considered the above submissions.

4. An identical issue was considered by a Division Bench of this Court in **T.Chitra Vs. State of Tamil Nadu**, reported in **2014 (2) MLJ Cr1 72** and the order of detention was set aside on the ground of non-application of mind. Hence, following the said order, the Detention Order, passed by the second respondent, in his proceedings in Detention Order in P.D.O.No.06/2018 dated 13.04.2018, is quashed. The detenu, namely, R.Ranjitham, W/o.Ramaiah, is ordered to be set at liberty forthwith, if her detention is not required in connection with any other case.

5. In the upshot, we allow the Habeas Corpus Petition.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Secretariat,
Chennai 600 009.
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Pudukkottai District, Pudukkottai.



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

6.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.Antony Arul Raj, Advocate Sr.No.70431

NBJ

VB/SKN/RSK/SAR2/27.07.2018/3P/8C

H.C.P. (MD) No.585 of 2018
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