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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.363 of 2019

Anitha

..Petitioner

Vs

1. State of Tamil Nadu,
Rep. by The Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.

2.The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
Vepery, Chennai - 7.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in Memo No.964/BCDFGISSSV/2018 dated 24.10.2018 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Appu @ Chinna Appu @ Pradeep S/o. Velayudham the detenu now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's on Appu @ Chinna Appu @ Pradeep, S/o. Velayudham aged about 25 years the detenu herein set him at liberty.

For Petitioner .. Mr.N.Naresh

For Respondents.. Mr.C.Iyyappa Raj,
Addl. Public Prosecutor



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6.It is a trite law that personal liberty protected under Article 21 is so sacrosanct and so high in the scale of Constitutional values that it is the obligation of the detaining authority to show that the impugned detention meticulously accords with the procedure established by law. Preventive detention is preventive and not punitive. When ordinary law of the land is sufficient to deal with, taking recourse to the preventive detention law is illegal. The impugned detention order is therefore liable to be quashed.

7.In the result, the Habeas Corpus Petition is allowed and the order of detention in No.964/BCDFGISSSV/2018 dated 24.10.2018, passed by the second respondent is set aside. The detenu, namely, Appu @ Chinna Appu @ Pradeep S/o. Velayudham is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
Vepery, Chennai - 7.
- 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.

H.C.P.No.363 of 2019

A.SK(27/08/2019)