

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

Coram

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

H.C.P.No.1000 of 2019

Rajeswari ... Petitioner/Wife of the Detenue

Vs

- 1.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 2.The Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, calling for the records in C3/D.O/26/2019 on the file of the first respondent, quash the detention order dated 26.04.2019 and direct the production of the detenu Arul, son of Perumal presently detained at the Central Prison, Cuddalore under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

सत्यमेव जयते

For Petitioner : Mr.A.M.Rahamath Ali

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

ORDER

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

The petitioner is the wife of the detenu - Arul, S/o Perumal, aged about 44 years. The detenu has been detained by the first respondent by his order in C3/D.O/26/2019 dated 26.04.2019, holding him to be a "Bootlegger", as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for the petitioner submits that the grounds of detention do not reflect the remand of the detenu in the second adverse case and therefore the satisfaction arrived by the detaining authority regarding the imminent possibility of the detenu being released on bail is not proper.

4. A perusal of the grounds of detention would show that the detenu has got two adverse cases in Crime No.354 of 2018 on the file of Kadampuliyur Police Station for the offence under Sections 4(1)(aaa) and 4(1-A) of TNP Act and Crime No.97 of 2019 on the file of Naduveerapattu Police Station for the offence under Sections 4(1)(aaa) and 4(1-A) of TNP Act r/w 6 and 7 of T.N.R.S. Rules, 2000 and he was remanded in the second adverse case. Though the booklet furnished to the detenu contains the material that the detenu was simultaneously remanded in the second adverse case, the grounds of detention do not reflect the same. As the order of the detaining authority reflects non application of mind, the order under challenge is liable to be set aside.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O/26/2019 dated

26.04.2019 passed by the first respondent is set aside. The detenu, namely, Arul, S/o Perumal, aged about 44 years, 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

mmi/ssm

To

- 1.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 2.The Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 5.The Public Prosecutor,
High Court, Madras.

A.SK(05/09/2019)

H.C.P.No.1000 of 2019

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