

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1455 of 2019

Jagadeeswari ... Petitioner

-vs-

1. Government of Tamil Nadu,
Rep. By its Secretary,
Home, Prohibition and Excise (XVI) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Vellore District,
Vellore - 9. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records in C3/D.O.No.53/2019 dated 11.06.2019 on the file of the 2nd respondent herein and set aside the same and direct the respondents herein to produce the body of the petitioner's father Govindharaji, son of Kuttaiyappa Gounder, aged 60 years, now confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Ms. R.Subhadra Devi

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the daughter of Govindharaji, son of Kuttaiyappa Gounder, aged 60 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O. No.53/2019 dated 11.06.2019, 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. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he mainly focused his argument on the ground that the remand extension period has been wrongly mentioned in the grounds of detention and therefore, the impugned order of detention is liable to be quashed.

4. On a careful scrutiny of the impugned order, it is seen that the detaining authority, taking into account the imminent possibility of the detenu being enlarged on bail and the likelihood of the same is prejudicial to the public order, has passed the impugned detention order. The remand extension period has been wrongly mentioned in the grounds of detention. Therefore, when the period of remand extension is wrongly mentioned, opportunity of clear understanding and making effective representation on such understanding is lost and the detenu is deprived thereof. Thus, the impugned detention order cannot be sustained.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.53/2019 dated 11.06.2019, passed by the second respondent is set aside. The detenu, Govindharaji, son of Kuttaiyappa Gounder, aged 60 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

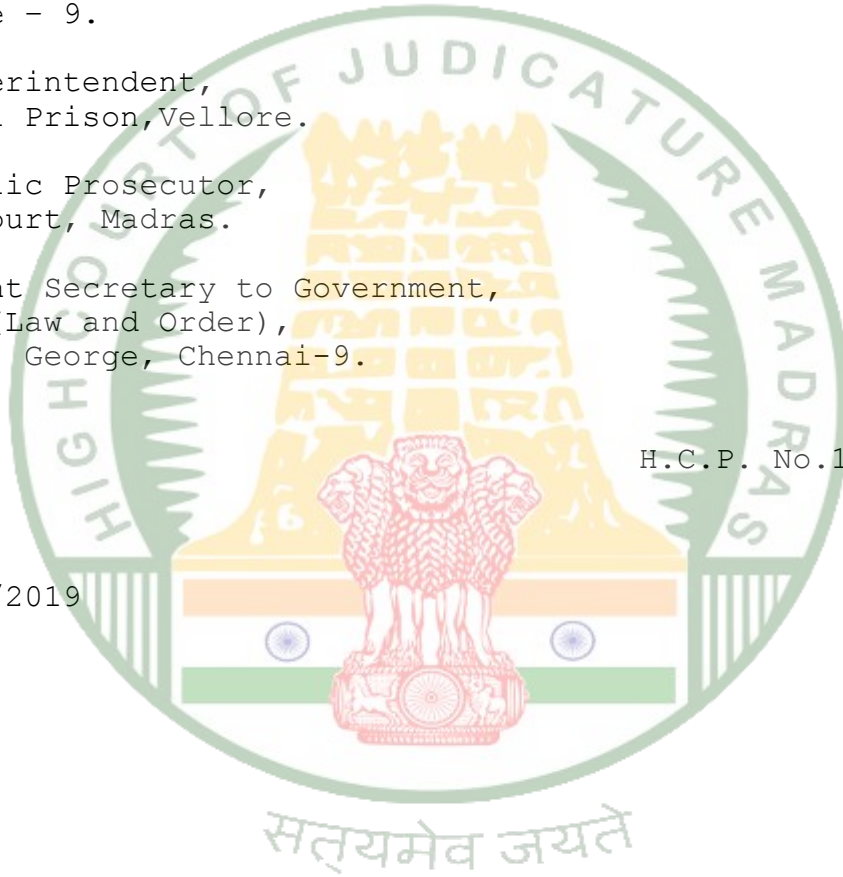
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To

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

H.C.P. No.1455 of 2019

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