

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2113 of 2019

Rama

W/o.Manivannan

... Petitioner/Mother of the
detenue

Vs

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai, Chennai. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records of the detention order dated 22.08.2019 in Memo No.523/BCDFGISSSV/2019 passed by second respondent and quash the same as illegal and consequently, direct the respondents to produce the petitioner's son/detenu Udhayakumar @ Udhaya, aged 25 years, S/o.Manivannan, before this Court and set him at liberty forthwith from Central Prison, Puzhal-II, Chennai.

For Petitioner : Mr.S.Senthilvel

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

WEB COPY

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the mother of the detenu viz., Udhayakumar @ Udhaya S/o.Manivannan, aged 25 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in 523/BCDFGISSSV/2019 dated 22.08.2019.

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

Sl.No.	Police Station & Crime No.	Section of Law
1.	S-11 Tambaram Police Station, Crime No.1729/2018	341, 294(b), 384 and 506(ii) IPC
2.	S-7 Madipakkam Police Station, Crime No.177/2019	392 IPC

The alleged ground case has been registered against the detenu in Crime No.466 of 2019 on the file of S-14, Peerkankaranai Police Station for offences u/s.147, 148, 341, 294(b), 324, 307 and 506(ii) IPC r/w 3 of TNPPDL Act. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner mainly focussed his argument on the ground that the arrest of the detenu has been intimated to his mother through SMS. However, to establish the same, no proof has been produced, which would vitiate the detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. In the light of the fact that proper procedure has not been followed in intimating the arrest of the detenu to his mother, we have no hesitation in quashing the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Udhayakumar @ Udhaya S/o.Manivannan, in 523/BCDFGISSSV/2019 dated 22.08.2019, is quashed. 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 (C.O)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
- 2.The Commissioner of Police,
Greater Chennai, Chennai.
- 3.The Superintendent,
Central Prison, Puzhal-II
Chennai.
4. The Joint Secretary to Government
Public Law & Order Department
Secretariat Chennai
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2113 of 2019

aa03/02/2020

WEB COPY