

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.06.2019

CORAM
THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

H.C.P.Nos.3014, 3017, 3018, 3019, 3020 of 2018

P.Nithya .. Petitioner in H.C.P.No.3014 of 2018
Janaki .. Petitioner in H.C.P.No.3017 of 2018
Malar .. Petitioner in H.C.P.No.3018 of 2018
Anitha .. Petitioner in H.C.P.No.3019 of 2018
Mahadevi .. Petitioner in H.C.P.No.3020 of 2018

Vs

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai-600 009.
 2. The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office, Vepery,
Chennai-600 007.
- ..Respondents in all H.C.Ps

PRAYER IN H.C.P.No.3014 of 2018: Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in No.1064/BCDFGISSSV/2018 dated 23.11.2018 on the file of second respondent herein and set aside the same as illegal and produce the detainee Prabhu, son of Veliappan, aged about 30 years, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

PRAYER IN H.C.P.No.3017 of 2018: Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in No.1062/BCDFGISSSV/2018 dated 23.11.2018 on the file of second respondent herein and set aside the same as illegal and produce the detainee Murugan, son of Vasu, aged about 34 years, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

PRAYER IN H.C.P.No.3018 of 2018: Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in No.1068/BCDFGISSSV/2018 dated 23.11.2018 on the file of second respondent herein and set aside the same as illegal and produce the detainee Vimal, son of Mohan, aged about 24 years, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

PRAYER IN H.C.P.No.3019 of 2018: Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in No.1061/BCDFGISSSV/2018 dated 23.11.2018 on the file of second respondent herein and set aside the same as illegal and produce the detainee Anandaraj @ Anand, son of Mani, aged about 34 years, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

PRAYER IN H.C.P.No.3020 of 2018: Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in No.1066/BCDFGISSSV/2018 dated 23.11.2018 on the file of second respondent herein and set aside the same as illegal and produce the detainee Vathu @ Parthasarathy, son of Panneerselvam, aged about 22 years, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner
in all H.C.Ps .. Mr.Ilayaraja Kandasamy
For Respondents
in all H.C.Ps .. Mr.C.Iyyappa Raj,
Addl. Public Prosecutor

COMMON ORDER

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

In view of the commonality of the issues involved, all these petitions are taken up together and disposed of by a common order.

2.HCP Nos. 3014 and 3017 of 2018 have been filed by the wives of the detenus, HCP Nos.3018 and 3020 of 2018 have been filed by the mothers of the detenus and H.C.P.No.3019 of 2018 has been filed by the cousin-sister, respectively.

3.The only point raised by the learned counsel appearing for the petitioners is that the offence mentioned in the ground case and the one relied upon with respect to the similar cases by the respondents are different.

4.We have perused the records and satisfied that the submission made by the learned counsel appearing on behalf of the petitioner is true.

5.The learned Additional Public Prosecutor also fairly submitted that the offences are distinct and different among the one involved in the ground case and the similar case relied upon by the detaining authority.

6.Thus, we find non-application of mind on the part of the detaining authority and the impugned orders of detention are liable to be set aside.

7.In the result, the Habeas Corpus Petitions are allowed and the orders of detention in Nos.1064/BCDFGISSSV/2018, 1062/BCDFGISSSV/2018,1068/BCDFGISSSV/2018,1061/BCDFGISSSV/2018 and 1066/BCDFGISSSV/2018 dated 23.11.2018, passed by the second respondent are set aside. The detenus, namely, Prabhu, son of Veliappan, aged about 30 years, Murugan, son of Vasu, aged about 34 years, Vimal, son of Mohan, aged about 24 years, Anandaraj @ Anand, son of Mani, aged about 34 years and Vathu @ Parthasarathy, son of Panneerselvam are directed to be released forthwith unless their detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mmi/ssm

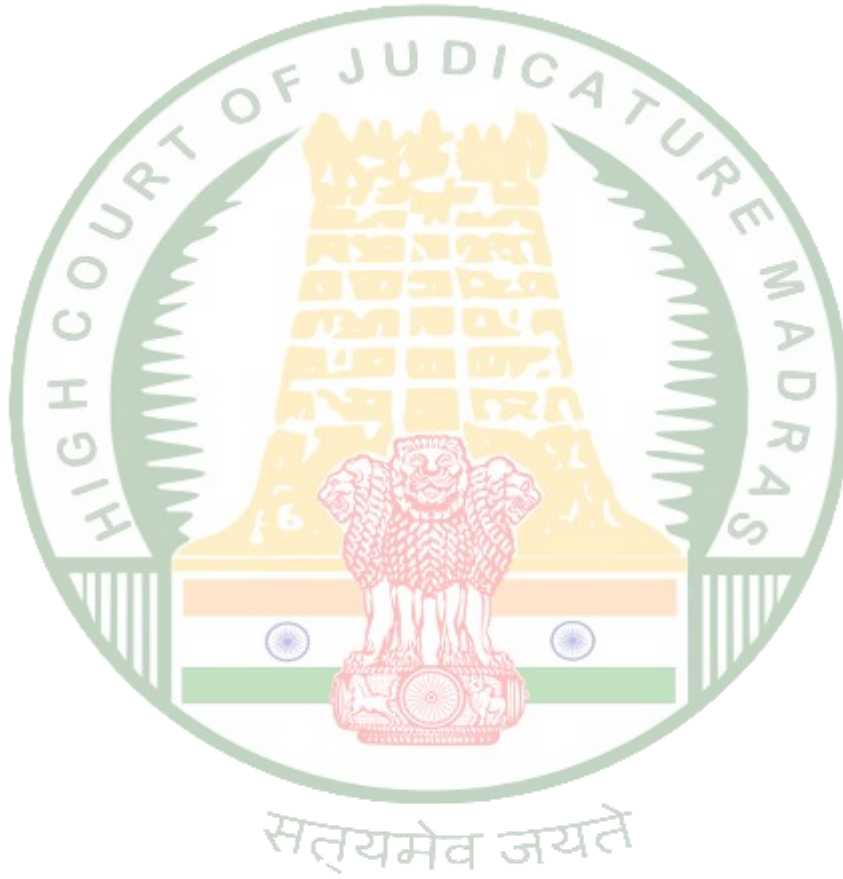
To

1. The Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office,
Vepery,
Chennai-600 007.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.

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

H.C.P.Nos. 3014, 3017, 3018,
3019 and 3020 of 2018

RRS (26/07/2019)



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