

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

H.C.P.No.76 of 2020

Mari Manikandan, Male aged about 22 years

S/o. Selvaraj,

No. 438, 'N' Block,

21st Street, East Anna Nagar,

Chennai - 600 102.

... Petitioner

Vs

1.The State of Tamil Nadu,

Rep. by its Secretary to Government,

Prohibition and Excise Department,

Fort St. George, Chennai -600 009.

2. The Commissioner of Police,

Greater Chennai Police,

Chennai.

3. The Inspector of Police,

V-5 Thirumangalam Police Station,

Thirumanagalam, Chennai.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus and call for the records of the detention order dated 18.11.2019 in detention order No. BCDFGISSSV No. 795/2019 on the file of 2nd respondent, quash the same and direct the respondents to produce the body of Ganesh S/o. Raja, Hindu aged about 28 years, who is now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty forthwith.

For Petitioner : Mr.R. Thamarai Selvan

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

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter was heard through video-conferencing.

2. The cousin of the detenu has filed this petition challenging the detention order passed by the second respondent against the detenu in No. BCDFGISSSV No. 795/2019 dated 18.11.2019 branding him as a "GOONDA".

3.Heard Mr.R. Thamaraiselvan, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.Though representation made on behalf of the detenu has been considered and disposed of, there is a delay of 9 days in disposing of the same. Hence, the same vitiates the detention order passed by the detaining authority and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the second respondent in No. No. BCDFGISSSV No. 795/2019 dated 18.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Ganesh, S/o. Raja, Hindu aged about 28 years, who is now confined in Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George,
Chennai -600 009.

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

3. The Inspector of Police,
V-5 Thirumangalam Police Station,
Thirumanagalam, Chennai.

4. The Superintendent,
Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court, Chennai.

H.C.P.No.76 of 2020

RSV (CO)
GMY (09/09/2020)

सत्यमेव जयते

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