

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.104 of 2020

Annapoornam

... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records, relating to Petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 21.11.2019 on the file of the Second Respondent herein made in proceedings No. 803/BCDFGISSSV/2019 and quash the same as illegal and consequently direct the Respondents herein to produce the said Petitioner's son namely Arthur Kumar, son of Thangaiah, aged 27 years before this Court and set the Petitioner's son at liberty from detention, now Petitioner's son is detained at Central Prison, Puzhal, Chennai - 600 066.

For Petitioner : Mr. K. Bharath

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

O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in proceedings No. 803/BCDFGISSSV/ 2019 dated 21.11.2019 under Goondas Act as the detenu has got three adverse cases apart from the ground case.

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

4.The records produced before this Court would reveal that there is no evidence to show that SMS has been sent communicating the arrest of the detenu to the relatives of him and the same vitiates the detention order and this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in proceedings No. 803/BCDFGISSSV/2019 dated 21.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Arthur Kumar, male aged 27 years, S/o. Thangaiah, who is confined at 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 (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.104 of 2020

AD(CO)
GMY(06/08/2020)



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