

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.170 of 2020

Nishanthi

... Petitioner/Daughter
of the detenu

Vs

1. The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Dept.,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Thiruvallur District,
Thiruvallur.

... 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 connected with the order of the 2nd respondent herein in B.C.D.F.G.I.S.S.S.V.No.51 of 2019 dated 29.12.2019 against the detenu namely Paranthaman son of Ranganathan aged about 56 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same, Consequently, directing the respondents herein to produce the body and person of the detenu before the Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.K.Balu.

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 daughter of the detenu has challenged the detention order passed against her father in B.C.D.F.G.I.S.S.S.V.No.51 of 2019 dated 29.12.2019 by the second respondent under Goondas Act.

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

4.It is evident from the records that the SMS sent regarding arrest intimation which is occurring in Page Number 10 and 11 of the booklet has not been proved and therefore, 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 B.C.D.F.G.I.S.S.S.V.No.51 of 2019 dated 29.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Paranthaman son of Ranganathan aged about 56 years, 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

//True Copy//

Sub Assistant Registrar

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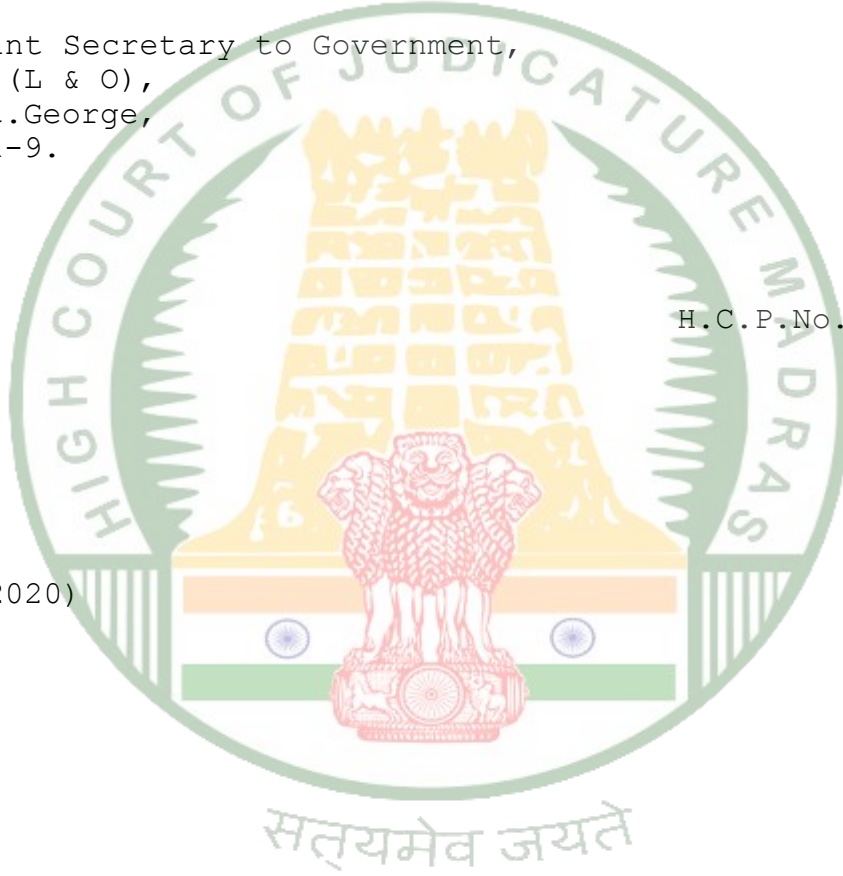
1. The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Dept.,
Secretariat,
Fort St.George,
Chennai - 600 009.

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2. The District Magistrate and District Collector,
Thiruvallur District,
Thiruvallur.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai.
5. The Joint Secretary to Government,
Public (L & O),
Fort St.George,
Chennai-9.

H.C.P.No.170 of 2020

MP (CO)
GS (30/07/2020)



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