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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM :

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

H.C.P.No.160 of 2020

Seenuvasan

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
represented by its Additional Chief Secretary,
Home Prohibition & Excise Department,
Secretariat, Fort St George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Villupuram,
Villupuram District.
- 3.The Inspector of Police (Incharge),
Brammadesam Police Station,
Villupuram District.
- 4.The Superintendent,
Special Prison for Women,
Vellore.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records of the District Collector cum District Magistrate, Villupuram District culminating in R.C.No.C2/34158/2019 dated 05.12.2019 and quash the same and further direct the respondents to produce the Petitioner's wife viz., Tmt.Vasuki (age 32) years before this Court, now confined at Special Prison for Women, Vellore and set her liberty forthwith.

For Petitioner : Mr.T.Mohan.

For Mr.K.Balakrishnan

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor



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O R D E R

(Order of the court was made by N.KIRUBAKARAN, J.)

The matter is heard through video-conferencing.

2.The wife of the Petitioner has been detained under Goondas Act terming her as 'Bootlegger' vide detention order in R.C.No.C2/34158/2019 dated 05.12.2019 by the second respondent and the said order is challenged before this Court.

3.Heard Mr.T.Mohan, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the respondents.

4.Mr.T.Mohan, learned Counsel appearing for the Petitioner submitted that the detinue was arrested on 14.11.2019 and the detention order was passed on 05.12.2019. He further submitted that there is a delay in disposing the representation sent on behalf of the detinue and prayed for allowing this petition. However, the learned Additional Public Prosecutor strenuously opposed the contentions made by the learned Counsel for the Petitioner.

5.Considering the fact that there is 23 days delay in disposing of the representation sent on behalf of the detinue, the detention order passed by the second respondent is vitiated. Hence, the detention order has to be necessarily quashed.

6.Accordingly, the detention order passed by the second respondent in R.C.No.C2/34158/2019 dated 05.12.2019 is quashed. The detinue viz., Tmt.Vasuki (age 32) years, who is confined in Special Prison for Women, Vellore is directed to be set at liberty forthwith unless her presence is required in connection with any other case.

7.In the result, the Habeas Corpus Petition is allowed.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary,
The Government of Tamil Nadu,
Home Prohibition & Excise Department,
Secretariat, Fort St George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Villupuram,
Villupuram District.
3. The Inspector of Police (Incharge),
Brammadesam Police Station,
Villupuram District.
4. The Superintendent,
Special Prison for Women,
Vellore.
5. The Joint Secretary to Government,
Public (Law and Order) Departments,
Fort.St.George, Chennai -9.
6. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.160 of 2020

MP(CO)
GMY(10/07/2020)