

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM :

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

H.C.P.No.177 of 2020

Kalidoss

...Petitioner/Detenu

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Prohibition & Excise Department,
Fort St.George,
Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai City,
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 to produce the Petitioner, Kalidoss aged 24 years, S/o.Eswaran, before this Court, now confined in the Central Prison, Puzhal, Chennai and set him at liberty and to call for the records pertaining to the Memo No.816/BCDFGISSSV/2019 dated 28.11.2019 and set aside the same.

For Petitioner : Mr.M.Appaji Charles Kamalesh.

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 Detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo

No.816/BCDFGISSSV/2019 dated 28.11.2019 under the Tamil Nadu Act 14 of 1982 based on the ground case registered against him.

3.Heard Mr.M.Appaji Charles Kamalesh, learned Counsel appearing for the Petitioner and Mr. R. Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is seen from the records that there was a delay in passing the Detention Order. Though the Detenu was arrested on 21.10.2019, the Detention Order was passed only on 28.11.2019 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 Memo No.816/BCDFGISSSV/2019 dated 28.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Kalidoss aged 24 years, S/o.Eswaran, who is detained 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 VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to the Government,
The State of Tamil Nadu,
Prohibition & Excise Department,
Fort St.George,
Chennai 600 009.
- 2.The Commissioner of Police,
Greater Chennai City,
Vepery,
Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4.The Joint Secretary,
Public (Law and Order) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

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

H.C.P.No.177 of 2020

LN(CO)
KKV/14/08/2020