

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM :

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

H.C.P.No.182 of 2020

Rajeswari ... Petitioner/Mother of the detenu
Vs

1.State of Tamil Nadu,
rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

2.The District Collector and District Magistrate,
Villupuram District,
Office of Collectorate,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in Memo in R.C.No.C2/33592/2019 dated 29.11.2019 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Thiru Kathir @ Kathiravan S/o.Dhanappan aged about 38 years the detenu, now confined in Central Prison, Cuddalore, before this Court and set the petitioner's son Thiru Kathir @ Kathiravan S/o.Dhanappan aged about 38 years the detenu herein at liberty.

For Petitioner : Mr.D.Kumaralingam.

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 Conference".

2.The Mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent

in R.C.No.C2/33592/2019 dated 29.11.2019 under Tamil Nadu Act 14 of 1982 based on the ground case registered against him for the offence under Section 307 of Indian Penal Code.

3.Heard Mr.D.Kumaralingam, 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 intimation of arrest sent to the sister of the detenu occurring in Page Number 21 of the booklet has not been substantiated and the same vitiates the detention order and hence, this Habeas Corpus Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in R.C.No.C2/33592/2019 dated 29.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Kathir alias Kathiravan, aged 38 years, son of Dhanappan, who is confined at Central Prison, Cuddalore 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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To

1.The Secretary,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

2.The District Collector and District Magistrate,
Villupuram District,
Office of Collectorate,
Villupuram District.

3.The Superintendent of Prisons,
Central Prison,
Cuddalore.

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

5.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St. George
Chennai - 600 009.

H.C.P.No.182 of 2020

RSK(CO)
GMY(08/09/2020)



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