

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM :

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

H.C.P.No.198 of 2020

Sathiya

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai 9.
2. The District Collector and
District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.

... 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 of the detention made in D.O.No.01/2020 C-2 dated 09.01.2020 passed by the District Collector and District Magistrate, Thiruvannamalai District, Thiruvannamalai the second respondent herein and set aside the same and direct the respondents to produce the detainee before this Court and set the detainee Thirumathi Mythili, wife of (late) Saravanan, aged 36 years now confined in Special Prison for Women, Vellore at liberty and set her.

For Petitioner : Mr.R.Balakrishnan.

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 cousin sister of the detainee has filed this Petition challenging the detention order passed by the Second Respondent

in D.O.No.01/2020 C-2 dated 09.01.2020 under the Tamil Nadu Act 14 of 1982 as she has got three adverse cases apart from ground case registered against her.

3.Heard Mr.R.Balakrishnan, 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 Detenue was arrested on 01.12.2019, the Detention Order was passed only on 09.01.2020 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 D.O.No.01/2020 C-2 dated 09.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenue viz., Thirumathi Mythili, wife of (late) Saravanan, aged 36 years now 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai 9.

2.The District Collector and
District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.

3.The Superintendent of Prison,
Special Prison for Women,
Vellore.

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.198 of 2020

BR(CO)
SP(19/08/2020)



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