

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM :

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

H.C.P.No.228 of 2020

M. Palaniammal

...Petitioner

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 calling for the records pertaining to Memo No.21/BCDFGISSSV/2020 dated 14.01.2020 on file of the 2<sup>nd</sup> respondent herein and set aside the same and direct the Respondents herein to produce the Petitioner's son Hariprasad @ Hari, Son of Manikandan, aged 26 years, now confined in the Central Prison, Puzhal, Chennai before the Court and set him at liberty.

For Petitioner : Mr.C.K.M.Appaji.

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 mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo No. 21/BCDFGISSSV/2020 dated 14.01.2020 under the Tamil

Nadu Act 14 of 1982 as he has got three adverse cases, apart from ground case registered against him.

3.Heard Mr.C.K.M.Appaji, 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 05.12.2019, the Detention Order was passed only on 14.01.2020 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 Memo No.21/BCDFGISSSV/2020 dated 14.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Hariprasad @ Hari, Son of Manikandan, aged 26 years, 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

//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.228 of 2020

RLD (CO)  
KKV/20/08/2020



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