

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM :

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

H.C.P.No.313 of 2020

Sumathi

... Petitioner

Vs

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

2.The District Collector/District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.

... 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 on the file of the 2nd respondent in detention order No.02/2020-C2 dated 09.01.2020 and direct the respondents to produce the detenu namely Murugan @ Vandipalayam Murugan, male aged 34 years, son of Anbu, now confined at Central Prison, Vellore before this Court and quash and set aside the same and set the petitioner husband at liberty.

For Petitioner : Mr.M.Selvam.

For Respondents: Mr. R. Prathap Kumar,
Additional Public Prosecutor.

ORDER

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

The matter was heard through "Video Conference".

2.The Wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in No.02/2020-C2 dated 09.01.2020 under the Tamil Nadu Act 14 of 1982, branding him as 'Goonda' under the Tamil Nadu Act 14 of 1982.

3.Heard Mr.M.Selvam, 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 15.11.2019, 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 No.02/2020-C2 dated 09.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Murugan @ Vandipalayam Murugan, male aged 34 years, son of Anbu, who is detained at Central Prison, Vellore 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

ay
To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.
- 2.The District Collector/District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Superintendent of Prison,
Central Prison,
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.313 of 2020

SV(CO)
RMP(31/08/2020)