

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM :

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

H.C.P.No.325 of 2020

Kalaiyarasi

... Petitioner

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

2.District Collector & District Magistrate,
Villupuram District,
Kancheepuram District,
Kancheepuram.

... 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 in connection with the order of detention passed by the second respondent dated 07.02.2020 in B.C.D.F.G.I.S.S.V.No.07/2020 against the petitioner husband Ganesan, Male aged 49 years S/o.Ponnukannu, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

सत्यमेव जयते

For Petitioner : Mr.D.Balaji.

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

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O R D E R

(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 B.C.D.F.G.I.S.S.S.V.No.07/2020 dated 07.02.2020 under Tamil Nadu Act 14 of 1982.

3.Heard Mr.D.Balaji, 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 brother in law of the detenu occurring in Page Number 108 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 B.C.D.F.G.I.S.S.S.V.No.07/2020 dated 07.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz.,Ganesan, Male aged 49 years S/o.Ponnukannu, who is confined 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

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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.
- 2.District Collector & District Magistrate,
Kancheepuram District,
Kancheepuram.
- 3.The Superintendent of Prisons,
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.325 of 2020

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