

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.356 of 2020

Shaina Banu

... Petitioner

Vs

1.State of Tamil Nadu Rep. by,
The Secretary to the Government,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai 600 009.

2.The District Collector and 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 pertaining to the order of detention passed by the 2nd respondent vide his proceedings D.O. No. 97/2019-C2 dated 17.12.2019 against the Petitioner (Shaina Banu) husband by name detenu Mohammed Elias son of Abdul Sathar Male 30/2020 now confined in Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham

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 wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in D.O. No.

97/2019-C2 dated 17.12.2019 under the Tamil Nadu Act 14 of 1982 based on the ground case registered against him.

3.Heard Mr.T.Muruganantham, 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 10.11.2019, the Detention Order was passed only on 17.12.2019 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. 97/2019-C2 dated 17.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Mohammed Elias, Son of Abdul Sathar, aged 30 years, 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

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To

1.The Secretary to the Government,
State of Tamil Nadu Rep. by,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai 600 009.

2.The District Collector and 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.356 of 2020

AD (CO)
CB(20/08/2020)



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