

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM :

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

H.C.P.No.372 of 2020

Chithra

...Petitioner

Vs

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

2.District Collector & District Magistrate,
Tirupathur District,
Tirupathur - 635 601.

...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 10.02.2020 in Memo No.C3/D.O.No.03/2020 against the petitioner husband Sekar, Male aged 58 years, S/o.Samikannu, 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.

For Petitioner : Mr.D.Balaji.

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 Conferencing".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in Memo No.C3/D.O.No.03/2020 dated 10.02.2020 by the Second Respondent, branding him as 'Bootlegger' under the 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.It is seen from the records that the ground case details referred in the grounds of detention occurring in Page Numbers 96 to 98 of the booklet, supplied to the detenu is illegible and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No.C3/D.O.No.03/2020 dated 10.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sekar, Male aged 58 years, S/o.Samikannu, 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(CS IV)

//True Copy//

Sub Assistant Registrar

AY

To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.
- 2.District Collector & District Magistrate,
Tirupathur District,
Tirupathur - 635 601.
- 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.372 of 2020

CP(CO)
KKV/16/09/2020



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