

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.428 of 2020

Durga Devi

... Petitioner

Vs

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

2. 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 to call for the records in connection with the order of detention passed by the second respondent dated 17.02.2020 in D.O.No.06/2020-C2 against the petitioner husband Ramu @ Ramasamy, male aged 35 years S/o.Krishnan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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

WEB COPY

O R D E R

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

The matter was heard through "Video Conference".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in D.O.No.06/2020-C2 dated 17.02.2020 by the Second Respondent,

terming him as 'Bootlegger' under Section 2 (b) of Tamil Nadu Act 14 of 1982.

3.Heard Mr.S.Senthilvel, 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 seizure mahazar referred in the grounds of detention occurring in Page Number 108 of the booklet is illegible and supplied to the detenu 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 D.O.No.06/2020-C2 dated 17.02.2020 is quashed and this Habeas Corpus Petition is allowed. The detenu viz., Ramu @ Ramasamy, male aged 35 years S/o.Krishnan, 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

To

1. The Secretary to the Government
Home Prohibition and Excise Department
Secretariat, Chennai 600 009.
2. District Collector and
District Magistrate, सत्यमेव जयते
Tiruvannamalai District,
Tiruvannamalai.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

WEB COPY

5. The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St.George
Chennai - 600 009.

H.C.P.NO.428 of 2020

RK (CO)
RV (11/09/2020)



WEB COPY