

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.504 of 2020

Sait @ Balaji

... Petitioner

Vs

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

2.The Commissioner of Police/Detaining Authority,
City Police Officer,
Tiruppur city, Tiruppur 641 603.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the entire records relating to the petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 24.10.2019 on the file of the second respondent herein made in proceedings C.No.13/G/IS/2019, quash the same as illegal and consequently direct the respondents herein to the petitioner namely Sait @ Balaji, S/o.Sathyamoorthi, aged 23 years before this Court and set him at liberty from detention, now the petitioner detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

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 Conference".

2.The detenu has filed this Petition challenging the detention order passed by the Second Respondent in C.No.13/G/IS/2019 dated 24.10.2019 under Tamil Nadu Act 14 of 1982 based on the ground case registered against him. It is also brought to the notice of this Court that he has also got a previous case.

3.Heard Mr.W.Camyles Gandhi, 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 relatives of the detenu occurring in Page Number 113 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 C.No.13/G/IS/2019 dated 24.10.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sait @ Balaji, S/o.Sathyamoorthi, aged 23 years, who is confined at Central Prison, Coimbatore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Commissioner of Police/Detaining Authority,
City Police Officer,
Tiruppur city, Tiruppur 641 603.

3.The Superintendent,
Central Prison, Coimbatore.

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.504 of 2020

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