

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
H.C.P.No.559 of 2020

Valliyammal

... Petitioner

Vs

- 1.The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise IX,
Secretariat, St.George Fort,
Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Tirupur City.
- 3.The Superintendent Prisons,
Central Prison,
Coimbatore.
- 4.The Inspector of Police,
Tirupur City North Police Station,
Tirupur City.

.... 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 of the second respondent in TPDA.No.480 dated 23.01.2020 with reference to Detention order No.C.No.05/G/IS/2020 dated 22.01.2020, set aside the order of detention passed therein and directing the second respondent to produce the petitioner's son by name, Periyandavar, aged 25 years, son of Karnan, now detained at Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.T.Padmanabhan
For Respondents: Mr..Shunmuga Rajeswaran,
Government Advocate (Criminal Side)

O R D E R

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

The matter was heard through "Video Conferencing".

2.The Petitioner who is the mother of the detenu has challenged the detention order passed against the detenu in C.No.05/G/IS/2020 dated 22.01.2020 by the Second Respondent under Section 3 (1) of the Tamil Nadu Act 14 of 1982 terming him as 'Drug Offender'.

3.Heard Mr.T.Padmanabhan, learned Counsel appearing for the Petitioner and Mr.T.Shunmuga Rajeswaran, learned Government Advocate (Criminal Side) 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 27.11.2019, the Detention Order was passed only on 22.01.2020 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 C.No.05/G/IS/2020 dated 22.01.2020 is quashed. The detenu, viz., Periyandavar, aged 25 years, son of Karnan, now confined at Central Prison, Coimbatore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

6.On technical grounds only, the detention order has been quashed by this Court. The very purpose of detention is to prevent the detenu from repeating offences and that public safety is ensured. Since this Court has quashed the detention order, in the interest of public and in the interest of justice, this Court is justified in directing the detenu to appear before the jurisdictional Police Station, every Monday at 11.00 A.M., till 21.01.2021. The very purpose of this direction is to ensure that the detenu does not repeat the commission of offence and that the police can also have a watch over the movement of the detenu, even if he is outside the prison. Accordingly, this petition is allowed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise IX,
Secretariat, St.George Fort,
Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Tirupur City.
- 3.The Superintendent Prisons,
Central Prison,
Coimbatore.
- 4.The Inspector of Police,
Tirupur City North Police Station,
Tirupur City.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai.
- 6.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St.George
Chennai - 600 009.

A.SK(01/10/2020)

H.C.P.No.559 of 2020

सत्यमेव जयते

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