

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM :

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

H.C.P.No.710 of 2020

Mariyappan

... Petitioner

Vs

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

2.Office of the District Collector and
District Magistrate,
Thiruvallur District,
Thiruvallur.

.... 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 in B.C.D.F.G.I.S.S.V.No.49/2019 dated 11.12.2019 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's son by name Sathish son of Mariyappan aged about 21 years before this Court now confined in Central Prison, Puzhal, Chennai set him at liberty.

For Petitioner : Mr.K.Thenrajan.

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

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O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Father of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in B.C.D.F.G.I.S.S.V.No.49/2019 dated 11.12.2019 under the

Tamil Nadu Act 14 of 1982. The detenu has two adverse case and one ground case.

3.Heard Mr.K.Thenrajan, 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 23.10.2019, the Detention Order was passed only on 11.12.2019 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 B.C.D.F.G.I.S.S.S.V.No.49/2019 dated 11.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sathish son of Mariyappan aged about 21 years who is detained at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

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

2.Office of the District Collector and
District Magistrate,
Thiruvallur District,
Thiruvallur.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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

5.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.710 of 2020

EV(CO)
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