

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.789 of 2020

Tmt.A.Jabinsulthana

...Petitioner

Vs

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Additional Secretary,
Government of India,
Ministry of Consumer Affairs, Food
and Public Distribution (Department of Consumer Affairs),
Krishi Bhavan, New Delhi - 110 001.
- 3.The Commissioner of Police, Greater Chennai,
Officer of the Commissioner of Police,
Vepery, Chennai - 600 007.
- 4.The Superintendent,
Central Prison, Puzhal, Chennai - 600 066.
- 5.The Inspector of Police,
Civil Supplies C.I.D.,
Chennai Unit.

...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 by the third respondent herein and made in No.03/2020 dated 20.02.2020, and to set aside the same and directing the fourth respondent to produce the detenu, the Petitioner's husband Aameedh, aged 38 years, S/o.Mamooth now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and thereby setting him at liberty.

For Petitioner : Mr.N.Nisharahamed.

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 Conferencing".

2.The Petitioner's husband has been detained under Goondas Act, branding him as 'Black Marketer' by virtue of order in No.03/2020 dated 20.02.2020 passed by the third respondent and the said order is challenged before this Court.

3.Heard Mr.N.Nisharahamed, 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 are three adverse cases registered against the detenu which are similar in nature apart from the ground case. However, it is evident from the records that there is a delay of 6 days in disposing of the representation sent on behalf of the detenu by the detaining authorities and the same vitiates the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the third respondent in No.03/2020 dated 20.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Aameedh, aged 38 years, S/o.Mamooth now confined in Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ay

To

1.The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.TheAdditional Secretary,
Government of India,
Ministry of Consumer Affairs, Food
and Public Distribution (Department of Consumer Affairs),
Krishi Bhavan, New Delhi - 110 001.

3.The Commissioner of Police, Greater Chennai,
Officer of the Commissioner of Police,
Vepery, Chennai - 600 007.

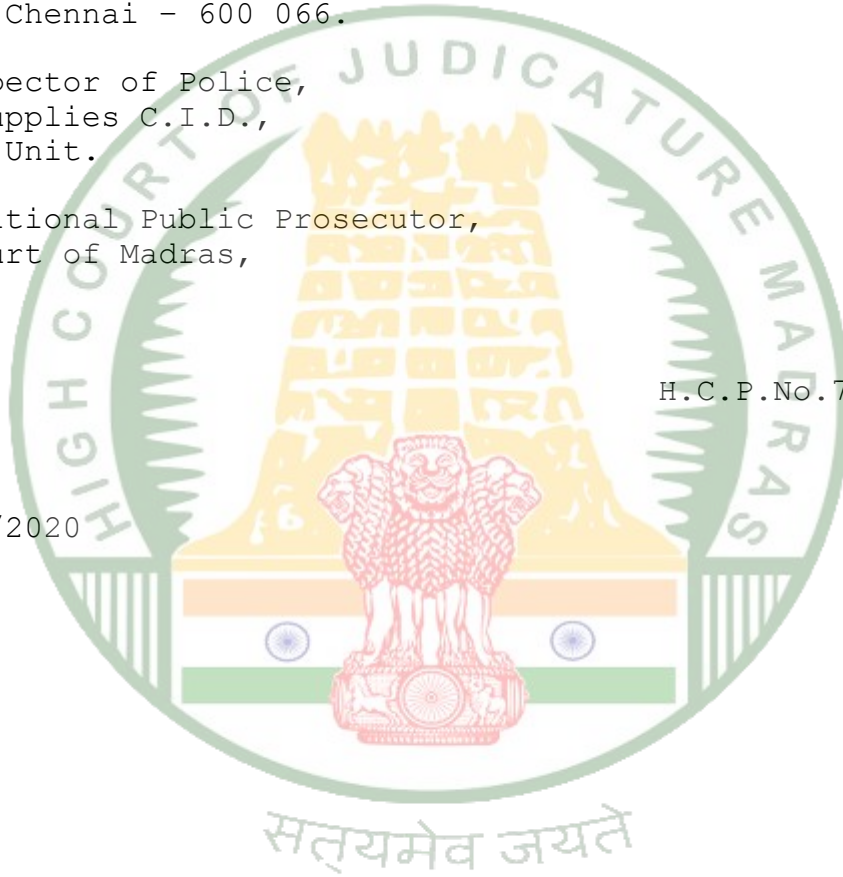
4.The Superintendent,
Central Prison,
Puzhal, Chennai - 600 066.

5.The Inspector of Police,
Civil Supplies C.I.D.,
Chennai Unit.

6.The Additional Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.789 of 2020

NR (CO)
KKV/30/07/2020



WEB COPY