

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2217 of 2019

Mahesh
S/o.Mannu

... Petitioner

Vs

1.State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records relating to petitioner's father's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 26.09.2019 on the file of second respondent herein made in proceedings in D.O.No.74/2019-C2 and quash the same as illegal and consequently, direct the respondents herein to produce the detenu, viz., Mannu, aged 47 years, S/o.Kannan, who is confined at Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.C.C.Chellappan
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the son of the detenu viz., Mannu, aged 47 years, S/o.Kannan, aged 47 years, who has been branded as a 'Bootlegger' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in D.O.No.74/2019-C2 dated 26.09.2019.

2. The detenu came to adverse notice in the following cases:

Sl.No .	Police Station/Crime No.	Section of Law
1.	Thanipadi Police Station, No.30/2009	302, 328 IPC r/w 4(1-A)(ii) @ 302 IPC r/w 328 IPC r/w 4(1)(i), 4(1-A)(ii), 4(1)(a) TNP Act, 1937
2.	Thanipadi Police Station, No.572/2018	4(1)(aa) TNP Act, 1937

The alleged ground case has been registered against the detenu in Crime No.445 of 2019 on the file of Thanipadi Police Station for offences u/s.4(1)(aaa) r/w 4(1-A)(ii) TNP Act, 1937 r/w 328 and 307 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner mainly focussed his argument on the ground that the arrest of the detenu has been intimated to his blood relative through SMS. However, to establish the same, no proof has been produced, which would vitiate the detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. In the light of the fact that proper procedure has not been followed in intimating the arrest of the detenu to his blood relative, we have no hesitation in quashing the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Mannu, aged 47 years, S/o.Kannan, in D.O.No.74/2019-C2 dated 26.09.2019, is quashed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Superintendent,
Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government,
Public(Law & Order), Fort St.George, Chennai-9.

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