

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

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

H.C.P.No.2517 of 2019

Selvam
S/o.Theerthan

... Petitioner/
Brother of the detenu

Vs

1.State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

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

... 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 brother's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 19.10.2019 on the file of second respondent herein made in proceedings R.C.No.C2/29302/2019 and quash the same as illegal and consequently, direct the respondents herein to produce the said petitioner's brother, namely, Mathi (a) Mathiyazhakan S/o.Theerthan, aged 35 years, before this Court and set the petitioner's brother at liberty from detention, now petitioner's brother detained at Central Prison, Cuddalore.

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 brother of the detenu viz., Mathi alias Mathiyazhakan S/o.Theerthan, aged 35 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 R.C.No.C2/29302/2019 dated 19.10.2019.

2. The alleged ground case has been registered against the detenu in Crime No.94 of 2019 on the file of Kariyalur Police Station for an offence u/s.4(1)(i), 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act, 1937. 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 uncle 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 there is no proof for establishing that the arrest of the detenu was duly informed to his uncle, 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., Mathi alias Mathiyazhakan S/o.Theerthan, in R.C.No.C2/29302/2019 dated 19.10.2019, is set aside. 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-VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

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

3.The Superintendent,
Central Prison,
Cuddalore.

4.The Joint Secretary to Government,
Public (Law and Order), Fort St.George,
Chennai-9.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2517 of 2019

PPA (CO)
CB(19/06/2020)



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