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HCP No.1251 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1251 of 2022

Krithika

W/o.Thaniga @ Thanigachalam

..

Petitioner

Vs.

1. State of Tamilnadu
Rep. by the Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort. St. George, Chennai - 600 009
2. The Commissioner of Police
Greater Chennai Chennai City
Vepery, Chennai-600 007.
3. The Superintendent of Central Prison
Central Prison, Vellore
Vellore- 632 002
4. The Inspector of Police
S-7 Madipakkam Police Station
Chennai

..

Respondents



HCP No.1251 of 2022

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the records relating to the detention order vide Memo No.144/BCDFGISSSV/2022 dated 03.06.2022 passed by the second respondent and set aside the same and direct the respondents to produce the petitioner's husband Thaniga @ Thanigachalam, son of Palayam, aged 33 years, the detenu now confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.P.Rajkumar Pandian
representing Mr.M.Baskar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned 'Habeas Corpus Petition' ['HCP'] has been filed in this Court on 29.06.2022 assailing a 'detention order dated 03.06.2022 bearing reference No.BCDFGISSSV No.144/2022' made by the second respondent.

2. The 'detention order' shall be referred to as 'impugned detention order' and 'second respondent ' shall be referred to as 'Detaining Authority' for the sake of convenience and clarity.



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3. To be noted, fourth respondent who is the jurisdictional Inspector of Police is the Sponsoring Authority.

4. When the matter was taken up, Mr.P.Rajkumar Pandian, learned counsel representing Mr.M.Baskar, counsel on record for petitioner and Mr.R.Muniyapparaj, learned State Additional Public Prosecutor are before us. Both sides submit that there are multiple accused in the ground case and preventive detention orders have been clamped against all the accused. As many as 14 HCPs filed by other co-accused have been allowed by this Court. The tabulation in this regard is as follows:

Sl.No.	H.C.P.Number	Name of the petitioner	Name of the Detenu	Date of order allowing HCP
1	HCP.No.709/ 2022	R.Manjula	Vignesh Appu @	01.11.2022
2	HCP No.710/2022	M.Sharmila	Bhuvaneswar@Magesh	26.09.2022
3	HCP No.711/2022	G.Radha	Sanjai @ Ajai	26.09.2022
4	HCP No.714/2022	D.Sumathi	Naveen @ Narambu	01.11.2022
5	HCP.No.742/2022	A.Lokeshwaran	Kishorekumar@Kishore	01.11.2022
6	HCP.No.869/2022	Nirmala	Arun @Kebi	17.10.2022
7	HCP.No.1007/2022	Saranya	Murugesan	15.12.2022



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Sl.No.	H.C.P.Number	Name of the petitioner	Name of the Detenu	Date of order allowing HCP
8	HCP No.1096/2022	Menaka	Kutty@uma Maheswaran	04.01.2023
9	HCP.No.1119/2022	Fathima	Ravi @ Ramesh	23.12.2022
10	HCP No.1256/2022	P.Senthilkumar	Gauthaman	23.12.2022
11	HCP No.1326/2022	Kausalya	Sathishkumar	10.01.2023
12	HCP No.1139/2022	Raja	Arun Kumar @ Mannu Muttai,	17.10.2022
13	HCP No.1297/2022	Govindaraj Pandian	Muthusaravan @ Thala,	01.02.2023
14	HCP No.1317/2022	M.Saraswathi	Manikandan @ Live Mani	01.02.2023

5. Both sides submit without any dispute or disagreement that the impugned detention orders in all the aforesaid matters and the captioned matter are identical i.e., *ad verbatim* the same, the trajectory the matters have taken is also similar and the point/points on which the aforementioned 14 HCPs have been allowed is/are available to the petitioner in the captioned HCP also. Therefore, we deem it appropriate to scan and reproduce two of the aforementioned 14 orders, one order dated 01.11.2022 made in H.C.P.No.709 of 2022 and the other dated 26.09.2022 in H.C.P.No.710 of 2022, which are as follows:

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H.C.P.No.709 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.709 of 2022

R.Mangula .. Petitioner

Vs

1.The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Chennai City Police,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.

3.The Superintendent of Central Prison,
Central Prison, Puzhal,
Chennai – 600 066.

4.The Inspector of Police,
5-7, Madipakkam Police Station,
Madipakkam, Chennai – 600 091. .. Respondents

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<https://www.mhc.tn.gov.in/judis>



HCP No.1251 of 2022

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H.C.P.No.709 of 2022

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the records relating to the detention order vide Memo BCDFGISSSV No.36/2022 dated 18.03.2022 passed by the second respondent and set aside the same and direct the respondents to produce the body of the detenu Vignesh @ Appu, male, aged 21 years, S/o.Ramadoss, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Elumalai

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by P.N.PRAKASH, J.)

The petitioner is the mother of the detenu Vignesh @ Appu, male, aged 21 years, S/o.Ramadoss. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.36/2022 dated 18.03.2022, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

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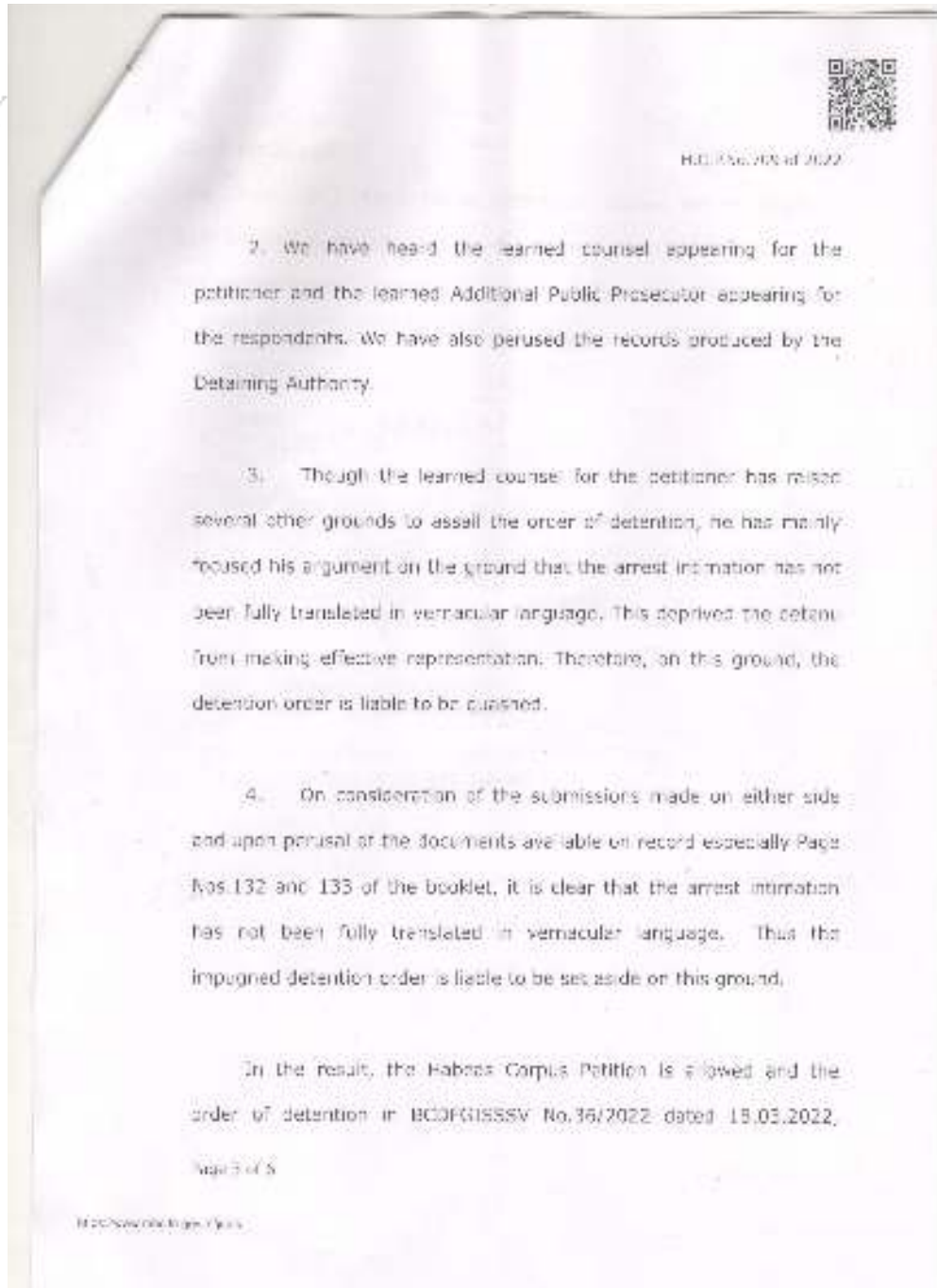
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HCP No.1251 of 2022

H.C.P.No.739 of 2012

passed by the second respondent is set aside. The detenu, viz.,
Vignesh @ Appu, male, aged 21 years, S/o. Ramadoss, is directed to be
released forthwith unless his detention is required in connection with
any other case.

(P.N.P., J.) (TKRJ)
01.11.2022

Index: Yes/No
ped

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தமிழக உயர் நீதிமன்றம்



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HCP No.1251 of 2022

04 SEP 2022
10:30 AM

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2022

Curam

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TELKAA RAMAN

H.C.P.No. 710 of 2022

M. Shanila
W/o. Mathakumar

Petitioner

Vs.

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai City Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 037.
3. The Superintendent of Central Prison,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
S7-Madipakkam Police Station,
Madipakkam, Chennai - 600 091.

Respondents

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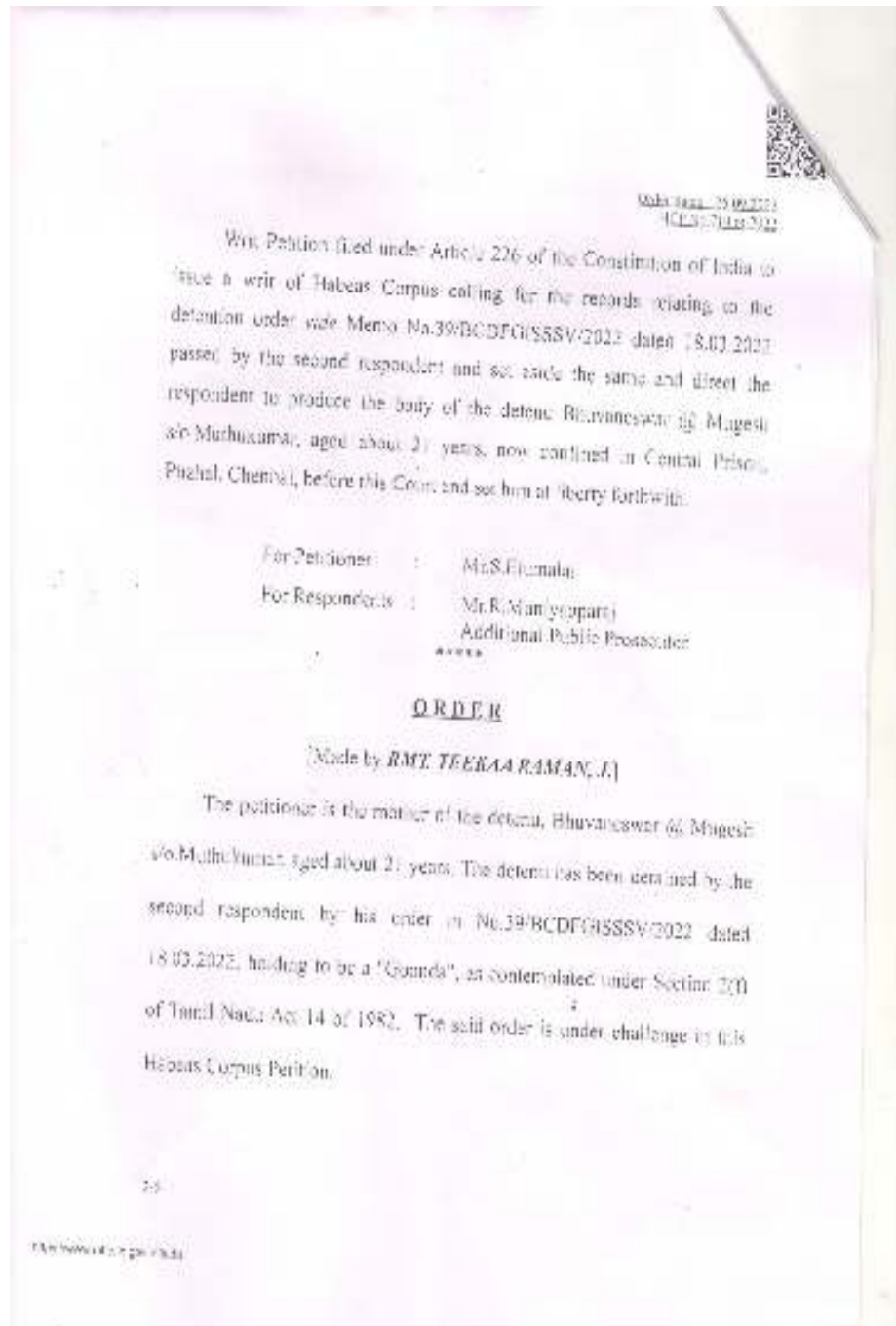
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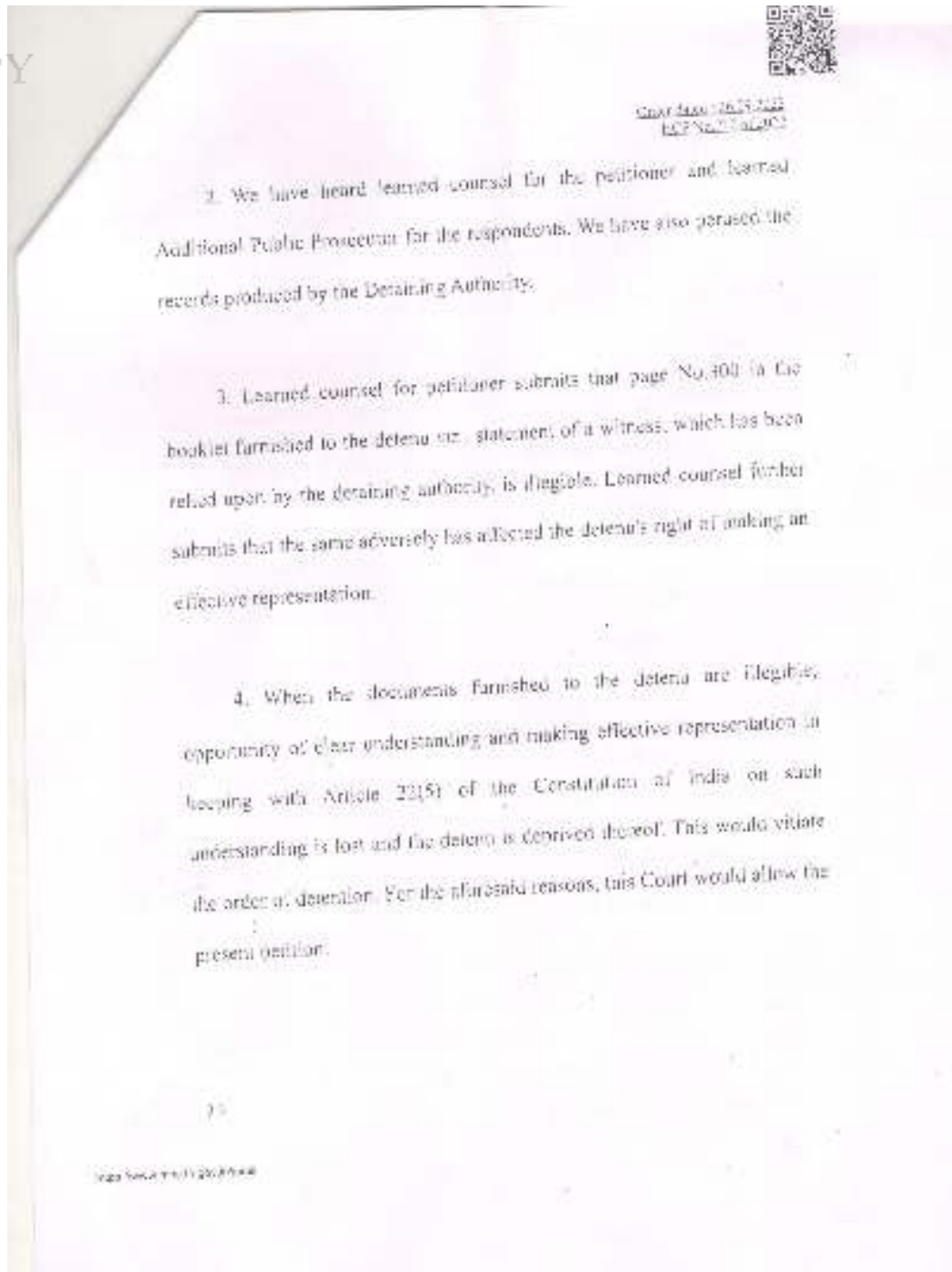




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HCP No.1251 of 2022

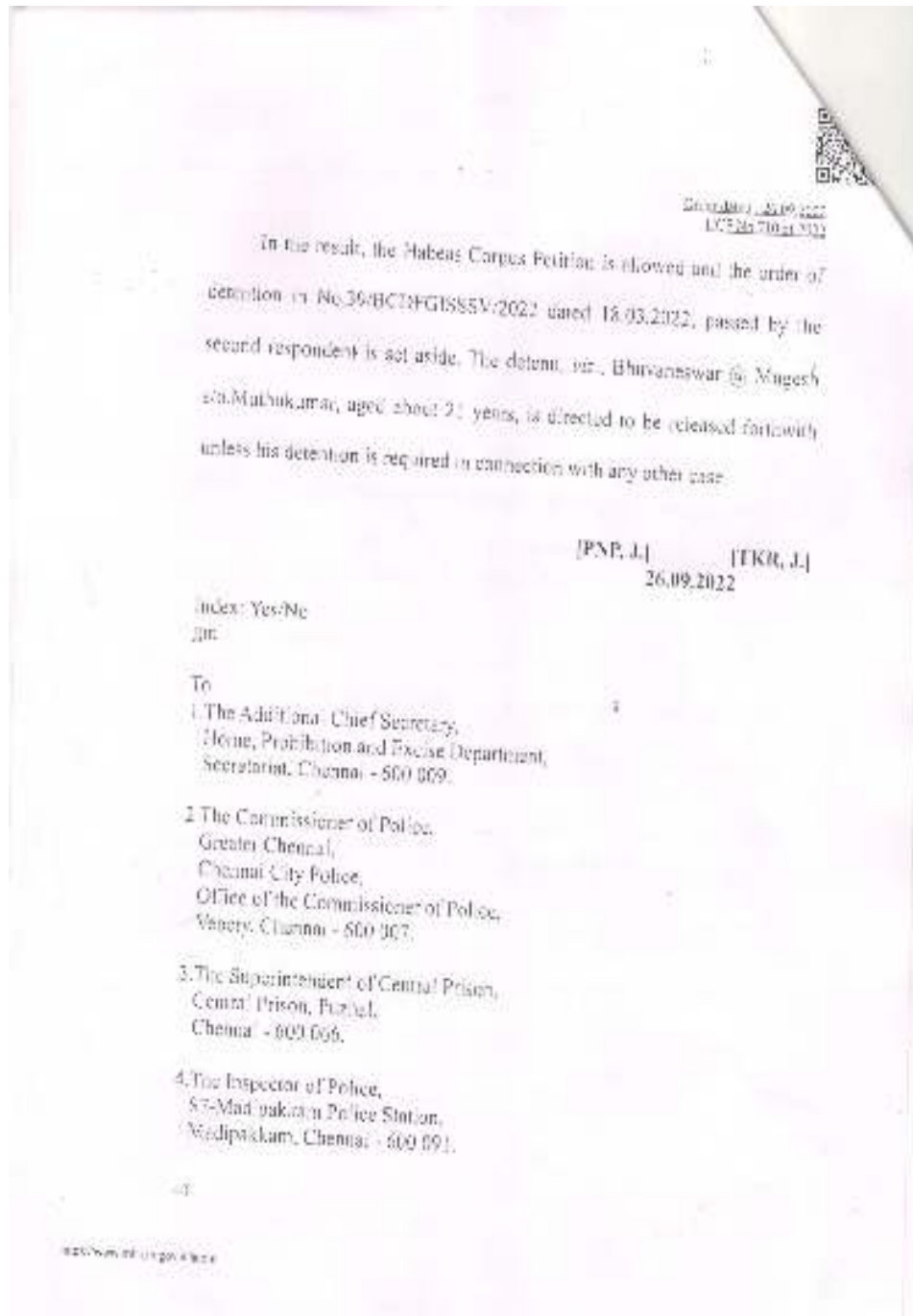




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HCP No.1251 of 2022

6. To be noted, the above matters i.e., H.C.P.Nos.709 of 2022 and 710 of 2022 have been allowed *inter alia* on the ground that right to make an effective representation qua the detenu has been hampered.

7. As there is no dispute that same points are available to the detenu in the captioned HCP also, we deem it appropriate to allow the captioned HCP also.

In the result, the detention order dated 03.06.2022 bearing reference 144/BCDFGISSSV/2022 made by the second respondent is set aside and detenu Thaniga @ Thanigachalam, son of Palayam, male, aged 33 years, is directed to be set at liberty forthwith unless required in connection with any other case/s. Learned counsel for petitioner submits that at the time of detention order was made the detenu was lodged in Central Prison, Vellore. We are now informed that detenu has since been transferred to Central Prison, Puzhal,

(M.S.,J.)

(M.N.K.,J.)

03.02.2023

Neutral Citation : Yes / No

gpa

P.S: Registry to forthwith communicate this order to jail authorities in Central Prison, Puzhal



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HCP No.1251 of 2022

M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

gpa

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort. St. George, Chennai - 600 009
2. The Commissioner of Police
Greater Chennai Chennai City
Vepery, Chennai-600 007.
3. The Superintendent of Central Prison
Central Prison, Puzhal
4. The Inspector of Police
S-7 Madipakkam Police Station
Chennai
5. The Public Prosecutor
High Court, Madras.

H.C.P.No.1251 of 2022

03.02.2023

ADDENDUM/ERRATA

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HCP No.1251 of 2022

connection with any other case/s. Learned counsel for petitioner submits that at the time of detention order was made, the detenu was lodged in Central Prison, Vellore.

We are now informed that detenu has since been transferred to Central Prison, Puzhal.'

All other paragraphs and contents of the order will remain same. Registry is directed to carry out necessary corrections and issue order copy afresh with this order as an Addendum/Errata.

(M.S., J.) (M.N.K., J.)
09.02.2023

vvk



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HCP No.1251 of 2022

M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.

vvk

H.C.P.No.1251 of 2022

09.02.2023

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