



HCP.No.1807/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.11.2023

CORAM

THE HONOURABLE MR . JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1807/2023

Rangan

..

Petitioner

Versus

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

2.The Commissioner of Police
Greater Chennai.

3.The Inspector of Police
H8 Thiruvotriyur Police Station
Chennai.

4.The Superintendent
Central Prison, Puzhal, Chennai.

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Respondents



HCP.No.1807/2023

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records relating to petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 30.05.2023 on the file of the 2nd respondent herein made in proceedings No.201/BCDFGISSSV/2023 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's son namely Logu @ Loganathan, aged 24 years, son of Rangan, before this Court and set him at liberty, now petitioner's son detained at Central Prison, Puzhal, Chennai 600 066.

For Petitioner : Mr.C.C.Chellappan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.Aravind.C

ORDER

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

(1)The petitioner, father of the detenu Logu @ Loganathan, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 30.05.2023 slapped on his son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982



HCP.No.1807/2023

[Tamil Nadu Act 14 of 1982].

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(2) Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

(3) Though several grounds are raised in the petition, the learned counsel for the petitioner submitted that there is no live link between the date of proposal and the order of detention. He also stated that the order of detention is dated 30.05.2023, whereas, the proposal of the Sponsoring Authority is dated 31.05.2023. The affidavit filed by the Inspector of Police was attested by the Commissioner of Police only on 31.05.2023. Therefore, there is a serious infirmity and the order of the Detaining Authority cannot be sustained as the Detaining Authority has passed the order without even the proposal of the Sponsoring Authority on the date when the order was passed. Hence, the order of detention is passed by the Detaining Authority suffers from total non application of mind.

(4) In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 30.05.2023 in No.201/BCDFGISSSV/2023, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu is directed to be set at liberty forthwith unless he is required in connection



HCP.No.1807/2023

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with any other case.

[S.S.S.R., J.] [S.M, J.]
06.11.2023

AP
To

- 1.The Secretary to Government
State of Tamil Nadu
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009.
- 2.The Commissioner of Police
Greater Chennai.
- 3.The Inspector of Police
H8 Thiruvotriyur Police Station
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- 4.The Superintendent
Central Prison, Puzhal, Chennai.
- 5.The Public Prosecutor
High Court, Madras.



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HCP.No.1807/2023

S.S.SUNDAR, J.,
AND
SUNDER MOHAN, J.,

AP

H.C.P.No.1807/2023

06.11.2023