



WEB COPY



H.C.P.No.2224 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE N.MALA

H.C.P.No.2224 of 2024

Ellamalli
W/o Sathiyamoorthy .. Petitioner

v.

1. State of Tamil Nadu represented by
Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009

2. The Commissioner of Police
Greater Chennai

3. The Superintendent of Prison
Central Prison, Puzhal, Chennai

4. State rep by Inspector of Police
K-6 T.P.Chatram Police Station
Chennai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Habeas Corpus, calling for the records of
the 2nd respondent pertaining to the order made in Memo No.718/



H.C.P.No.2224 of 2024

BCDFGISSSV/2024 dated 26.06.2024 in detaining the detenu under the Tamil Nadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce the detenu, the petitioner's son Santhoshkumar @ Janda, Son of Sathiyamoorthy, aged 23 years, who is detained at the Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.S.Karthick

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The order of detention passed by the second respondent in proceedings No.718/BCDFGISSSV/2024 dated 26.06.2024 is sought to be quashed in the present habeas corpus petition.

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

3. Though several grounds are raised by the petitioner, on perusal of the booklet supplied to the detenu, it is seen that the date has been wrongly mentioned in the remand report, which caused prejudice to the detenu for



H.C.P.No.2224 of 2024

making an effective representation, which is a valuable right conferred under the Act. Thus, we are inclined to interfere with the detention order.

4. In the light of the above, the detention order passed by the second respondent in No.718/BCDFGISSSV/2024 dated 26.06.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Santhoshkumar @ Janda, S/o Sathiyamoorthy, aged 23 years, who is presently undergoing detention in the Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless he is required in connection with any other case.

Index : yes

(S.M.S.,J.)

(N.M.,J.)

Neutral citation : yes/no

24.09.2024

SS

To

1. The Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009

2. The Commissioner of Police
Greater Chennai



H.C.P.No.2224 of 2024

WEB COPY

3. The Superintendent of Prison
Central Prison, Puzhal, Chennai
4. The Inspector of Police
K-6 T.P.Chatram Police Station
Chennai
5. The Public Prosecutor
High Court, Madras



WEB COPY



H.C.P.No.2224 of 2024

S.M.SUBRAMANIAM,J.

AND

N.MALA,J.

SS

H.C.P.No.2224 of 2024

24.09.2024