



WEB COPY



HCP.No.3068 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.3068 of 2024

Parveen

... Petitioner /mother of detenu

Vs

1. The State rep. by
The Secretary To The Government,
Home, Prohibition And Excise Department,
Government of Tamil Nadu,
Fort St George,
Chennai - 600 009.
- 2 The District Collector Of Magistrate,
Office Of District Collector,
Vellore District.
- 3 The Superintendent Of Police
Office of The Superintendent Of Police ,
Vellore District, Vellore.
- 4 The Superintendent Of Prison
Central Prison, Vellore
Vellore District.



HCP.No.3068 of 2024

5 The Inspector Of Police,
Bagayam Police Station, Vellore District

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the records of the 2nd respondent in connection with order made NO. C3/D.O. No. 102/2024 dated 09.11.2024 passed against the petitioner's son Jabeer Sheriff, aged 21 years, S/o. Ahamad Basha, who is confined at Central Prison, Vellore and Quash the same and direct the respondents to produce the detenu before this hon'ble court set him at liberty.

For Petitioner : Mr. S.Thirugnanam
For Respondents : Mr. R. Muniyapparaj,
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent, in No. C3/D.O. No. 102/2024 dated 09.11.2024 is sought to be quashed in the present Habeas Corpus Petition.



HCP.No.3068 of 2024

2. The learned Additional Public Prosecutor furnished the order of the Government issued in G.O.RT.No.8055/prohibition and Excise Department, dated 20.11.2024 not approving the impugned detention order issued by the District Collector and District Magistrate, Vellore District. The right move of the Government to make an independent assessment is to be appreciated in view of the fact that routine confirmation of detention orders would result in infringement of right to life to the detenus from the hands of the detaining authorities.

3. The Act contemplates approval by the Government in order to maintain a check and balance with reference to the decisions taken by the detaining authority. Therefore, the exercise of the said power by the Government is of paramount importance. In the present case, the Government exercise the power and found that the impugned detention order is unnecessary and thereby not approved the order impugned. Therefore, no adjudication on merits is required and the petition stands allowed by quashing the order of detention.



HCP.No.3068 of 2024

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.C3/D.O. No. 102/2024 dated 09.11.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Jabeer Sheriff, aged 21 years, S/o. Ahamad Basha, confined at Central Prison, Vellore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

13.12.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp

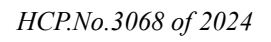
To

1. The The Secretary To The Government,
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Vellore District.
- 5 The Inspector Of Police,
Bagayam Police Station, Vellore District
6. The Public Prosecutor,
High Court, Madras.



mrp

13.12.2024