
(1998) 01 MAD CK 0006
In the Madras High Court
Case No : H.C.P. No. 688 of 1997

Srinivasan

APPELLANT

Vs

The District Collector and District Magistrate, Tiruvannamalai
Sambuvarayar District, Tiruvannamalai and The Secretary to
Government of Tamil Nadu, Prohibition and Excise Dept.,
Chennai-9

RESPONDENT

Date of Decision : 28-01-1998

Acts Referred:

Citation : (1999) 1 LW(Cri) 97

Hon'ble Judges : V. Bakthavatsalu, J;T. Jayarama Chouta, J

Bench : Division Bench

Advocate : Tr. A.K.S. Thahir, for the Appellant; Tr. P. Venkatasubramaniam for
Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

T. Jayarama Chouta, J.—The Petitioner Srinivasan has been detained as a "bootlegger" under Tamil Nadu Act 14 of 1982 in pursuance of

an order of detention dated 12.5.1997 passed by the first Respondent, the District Collector and District Magistrate, Tiruvannamalai

Sambuvarayar District, Tiruvannamalai with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and public health.

2. We do not deem it necessary to narrate the facts in detail which led to the passing of the impugned order of detention, for this Habeas Corpus

Petition will have to allow on the short ground that there was no material before the Detaining Authority while passing the order of detention that

the detenu was in remand. In the paper book supplied to the detenu, the remand

order dated 12.5.1997 has been pasted. The detention order was also passed on the same day. This document which has been pasted to the paper book goes to show-that this document was not available to the Detaining Authority to know whether the detenu was in remand or not. If this document was not there, then there was no other material for the Detaining Authority to hold that the detenu was on remand on the date of the passing of order of detention. This will suffice to hold that the detenu is bound to succeed.

3. The impugned order of detention is set aside . The detenu is directed to be set at liberty forthwith, unless his detention is otherwise required The Habeas Corpus Petition is allowed