
(2009) 04 MAD CK 0559
In the Madras High Court
Case No : H.C.P. No. 154 of 2009

Vahida

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 06-04-2009

Acts Referred:

Citation : (2009) 3 CTC 239

Hon'ble Judges : Elipe Dharma Rao, J;C.T. Selvam, J

Bench : Division Bench

Advocate : N. Duraisamy, for the Appellant; N.R. Elango, Additional Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Elipe Dharma Rao, J.—The petitioner, who is the wife of the detenu, challenges the order of detention passed by the second respondent dated 12.1.2009. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

2. A perusal of the records would show that the order of detention was passed as has been sponsored by the Investigating Officer when the detenu had involved himself in three land grabbing cases and in the ground case. On consideration of the materials placed on record, the Detaining Authority had satisfied himself and recorded his subjective satisfaction in paragraph No. 3 of the grounds of detention to the effect that the detenu is habitually committing crimes and had also acted in a manner prejudicial to the maintenance of public order and as such he is a Slum Grabber as contemplated u/s 2(f) of the Tamil Nadu Act 14 of 1982 and by committing the above described grave crime, he has created alarm and a feeling of insecurity in the minds of the people of the area and thereby acted in a manner prejudicial to the maintenance of public order. Challenging the said order, the Writ Petition has been filed.

3. The Supreme Court, while dealing with a case of the nature, which relates to

an offence of land grabbing, in K.K. Saravana Babu Vs. State of Tamil Nadu and Another, has quashed the order of detention holding that the cases affecting the public order are those which have great potentiality to disturb peace and tranquility of a particular locality; the allegations cannot be called prejudicial to public order; the detenu can be dealt with under the ordinary Criminal law if it becomes imperative.

4. In the present case on hand, both the adverse cases and the ground case are registered under provisions of Act 14 of 1982 branding the detenu as Slum Grabber. Therefore, in view of the law laid down by the Apex Court as stated supra, it cannot be said that the detenu had acted in a manner prejudicial to the maintenance of public order. Hence, following the ratio laid down by the Apex Court in K.K. Saravana Babu Vs. State of Tamil Nadu and Another,), we allow this Petition thereby quashing the impugned order of detention. In the result, the Habeas Corpus Petition is allowed setting aside the impugned order of detention dated 12.1.2009. The detenu is directed to be set at liberty forthwith, unless he is required in connection with any other case or cause.