

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.8.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.580 of 2016

Siva Sathyanarayana @ Sathish .. Petitioner

vs.

1. State of Tamil Nadu,
Rep. by the Secretary, Home
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

2. The Commissioner of Police,
The Commissioner Office,
Vepery, Chennai-600 007.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of direction calling for records relating to the detention order in Memo No.130/BCDFGISSSV/2016 dated 17.02.2016 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondent to produce the detenu Siva Sathyanarayana @ Sathish s/o. Iyanna aged about 40 years myself herein, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner Siva Sathyanarayana @ Sathish s/o. Iyanna aged about 40 years the detenu herein at liberty.

For Petitioner ... Mr.J.William Shakespeare

For Respondents.. Mr.V.M.R.Rajentren, APP

ORDER

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

The petitioner is the detenu in Central Prison, Puzhal, Chennai. He has been detained under Act 14 of 1982 as per the order passed by the 2nd respondent by proceedings in Memo No.130/BCDFGISSSV/2016 dated 17.02.2016 branding him as Immoral Traffic Offender. Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. Though several grounds have been raised by the petitioner, the learned counsel for the petitioner would mainly focus his arguments only on two grounds. The first ground is that the petitioner does not know Tamil and he knows only Telugu, but the materials supplied to him are either in English or in Tamil. Thus, according to the learned counsel for the petitioner, the petitioner was prevented from making any effective representation.

4. We are not persuaded by the said argument. As of now, there is no material to show that the petitioner ever made any claim that he does not know either Tamil or English.

5. The learned counsel for the petitioner submitted that the petitioner studied up to IX standard. He is only from neighbouring Andhra State. In the absence of any claim made by the petitioner that he does not know either English or Tamil, the grievance of the petitioner that the documents supplied to him are only in English as well as in Tamil, cannot be countenanced.

6. The next ground of the argument of the learned counsel for the petitioner is that the representation made by the petitioner was considered belatedly. However, there is no material available on record relating to the substantial date. No other ground is urged by the learned counsel for the petitioner.

7. The petitioner is an Immoral Traffic Offender. According to the detaining authority, the detaining authority has perused all the materials available on record and only on application of mind, the detaining authority had come to the conclusion that under the ordinary law, it would not be possible from preventing the detainee from indulging in similar activity.

Thus, in our considered opinion, there is absolutely no infirmity in the order of detention warranting interference from this Court.

8. Hence, the Habeas Corpus Petition is dismissed.

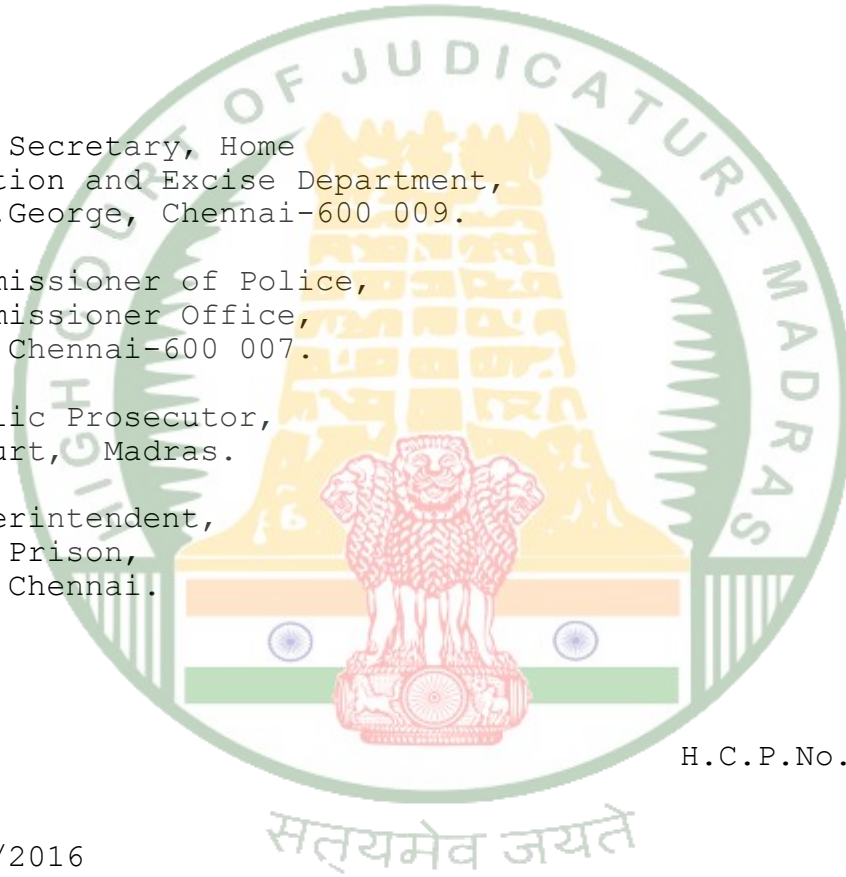
Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The the Secretary, Home
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police,
The Commissioner Office,
Vepery, Chennai-600 007.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent,
Central Prison,
Puzhal, Chennai.



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