

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.157 of 2017

Lakshmi

...Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai,
Chennai-600 008

2.The Secretary to Government of Tamil Nadu,
Dept of Home, Prohibition and Excise,
Govt.of Tamil Nadu, Chennai.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of a Writ of Habeas Corpus to call for the entire records relating to the order of detention made in BCDFGISSV No.937/2016, dated 20.08.2016, and to quash the same and direct the respondent to forthwith set at liberty the detenu Shankar, S/o.Rangaswamy.

For Petitioner : Mr.A.P.Suryaprakasam
For respondents : Mr.V.M.R. Rajentren
Addl. Public Prosecutor

WEB COPY

ORDER

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

The petitioner, who is the mother of the detenu, namely, Mr.Sankar, S/o.Rangasamy, aged about 35 years has come up with this habeas corpus petition, challenging the detention order passed against her son, by the second respondent, vide proceedings No. BCDFGISSV No.937/2016, dated 20.08.2016,

branding him as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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 were raised in the petition, the learned counsel appearing for the petitioner would mainly focus on the ground only in respect of non-application of mind on the part of the detaining authority in passing the order of detention.

4. Learned counsel appearing for the petitioner submitted that certain other pages in the booklet furnished to the detenu are illegible and could not be read at all. This illegible copies would deprive the detenu of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on these grounds and the same is liable to be quashed.

5. We have gone through the same. A perusal of the booklet supplied to the detenu would show that certain papers in the booklet furnished to the detenu are illegible and could not be read at all. This has resulted in the detenu being deprived of making an effective representation. Therefore, the detention order is vitiated and liable to be quashed on this ground alone.

6. In the light of the above facts and law, we have no hesitation in quashing the order of detention on the above mentioned ground. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in BCDFGISSSV No.937/2016, dated 20.08.2016, passed by the 2nd respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Commissioner of Police,
Greater Chennai,
Chennai-600 008

2.The Secretary to Government of Tamil Nadu,
Dept of Home, Prohibition and Excise,
Govt.of Tamil Nadu, Chennai.

3. The Superintendent, central prison
Puzhal, Chennai.

4. The Joint Secretary to Government
Public (Law & Order) Fort St. George,
Chennai 9

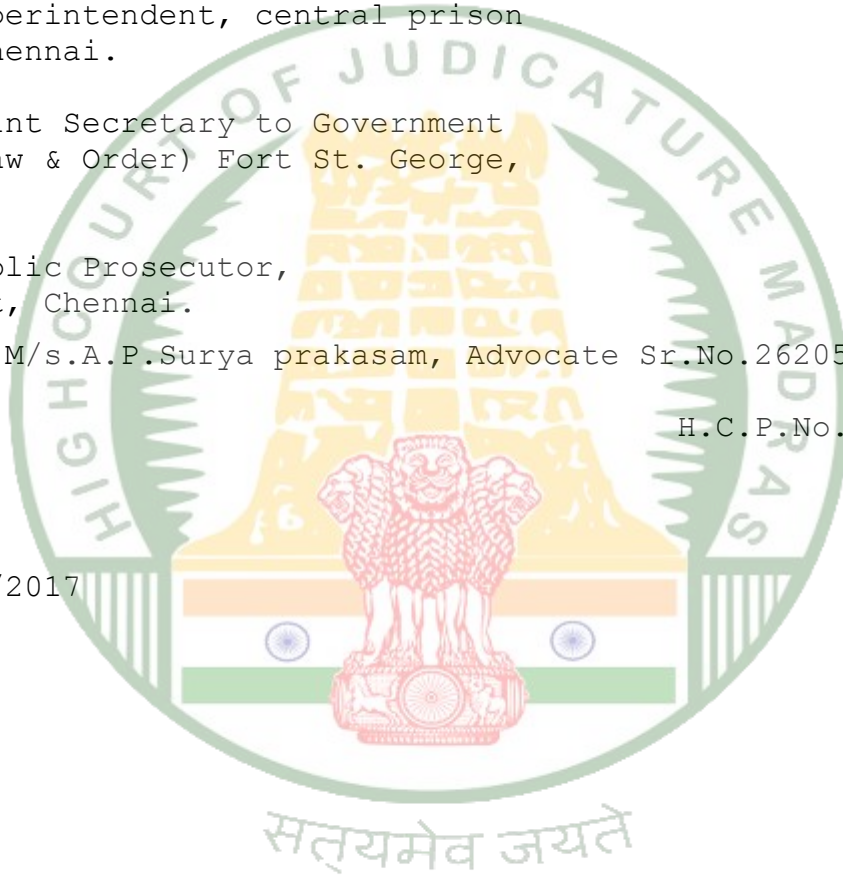
5. The Public Prosecutor,
High Court, Chennai.

+ 1 cc to M/s.A.P.Surya prakasam, Advocate Sr.No.26205

H.C.P.No.157 of 2017

NRI (CO)

RRI 10/05/2017



WEB COPY