

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE DR.JUSTICE ANITA SUMANTH
H.C.P.No.1727 of 2016

R.Selvam @ Anbuselvam @ Selvaraj ..
Petitioner/Detenu

versus

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

2.The Commissioner of Police,
Tirupur City, Tirupur - 641 604. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to call for the records connected with the order of the second respondent passed in C.No.12/G/ISTPR/2016 dated 16.06.2016 and quash the same and further direct the respondent to produce the body of the petitioner, R.Selvam @ Anbuselvam @ Selvaraj, aged about 30 years, son of Ramar @ Katta Ramar, now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.R.Balaji

For Respondents : Mr.V.M.R.Rajentren

Additional Public Prosecutor

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O R D E R
[Order of the Court was made by S.NAGAMUTHU, J.]

This Habeas Corpus Petition has been filed by the detenu to issue a Writ of Habeas Corpus, to call for the records connected with the detention order of the second respondent, in C.No.12/G/ISTPR ©/2016, dated 16.06.2016, detaining the detenu, namely, R.Selvam @ Anbuselvam @

Selvaraj, aged about 30 years, son of Ramar @ Katta Ramar, under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14/1982), branding him as a "Goonda" as contemplated u/s 2(f) of the Tamil Nadu Act 14 of 1982, and to quash the same and to direct the respondents to produce the detenu before this Court and set him at liberty.

2. We have heard the learned counsel appearing on behalf of 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 in this Habeas Corpus Petition, Mr.R.Balaji, the learned counsel appearing on behalf of the petitioner, would submit that several 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.

4. Per contra, the learned Additional Public Prosecutor would submit that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner. Therefore, he submits that the Habeas Corpus Petition does not merit any consideration and the same is liable to be dismissed.

5. A perusal of the booklet supplied to the detenu would show that the copies of documents referred and relied upon and referred to by the Detaining Authority, several pages are illegible and are totally unreadable. 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. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 16.06.2016,

passed by the second respondent is quashed. The detenu is directed to be released, forthwith, unless, his presence is required in connection with any other case.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
 2. The Commissioner of Police,
Tirupur City, Tirupur - 641 604.
 3. The Additional Public Prosecutor
High Court, Madras.
 4. The Superintendent, Central Prison
Coimbatore
 5. The Joint Secretary to Govt.
Public (Law And Order)
Fort.St. George, Chennai 9
- +1 CC to M/s. S. Arunachalam Associates, sr 15463

सत्यमेव जयते

H.C.P.No.1727 of 2016

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