

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.1948 of 2016

S. Sangeetha

...Petitioner

Vs

1. The District Collector cum District Magistrate,
Office of the Collectorate,
Vellore District

2. The State of Tamil Nadu, rep by
its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9

.. 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 leading to the detention of my husband Mr.G. Subramani S/o Govindasamy has been detained under Act 14/1982 as a "Bootlegger" vide detention order in C3/D.O.No.49/2016 made by the first respondent in his order dated 14.08.2016 and quash the same and consequently direct the respondents to produce the body and person of the said detenu before this Court and thereafter set him at liberty.

For Petitioner: Mr. S. Viswanathan

For respondents: Mr.V.M.R. Rajendran
Addl. Public Prosecutor

ORDER

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

The petitioner, who is the wife of the detenu Subramani, aged about 19 years has come up with this habeas corpus petition, challenging the detention order passed against her husband Subramani by the second respondent, vide proceedings No.C3/D.O.No.49/2016 dated 14.08.2016, branding him as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities

of Bootleggers, 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 C3/D.O.No.49/2016 dated 14.08.2016 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.

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-s/d-
Assistant Registrar(CSIV)

True Copy

Sub-Assistant Registrar

sr

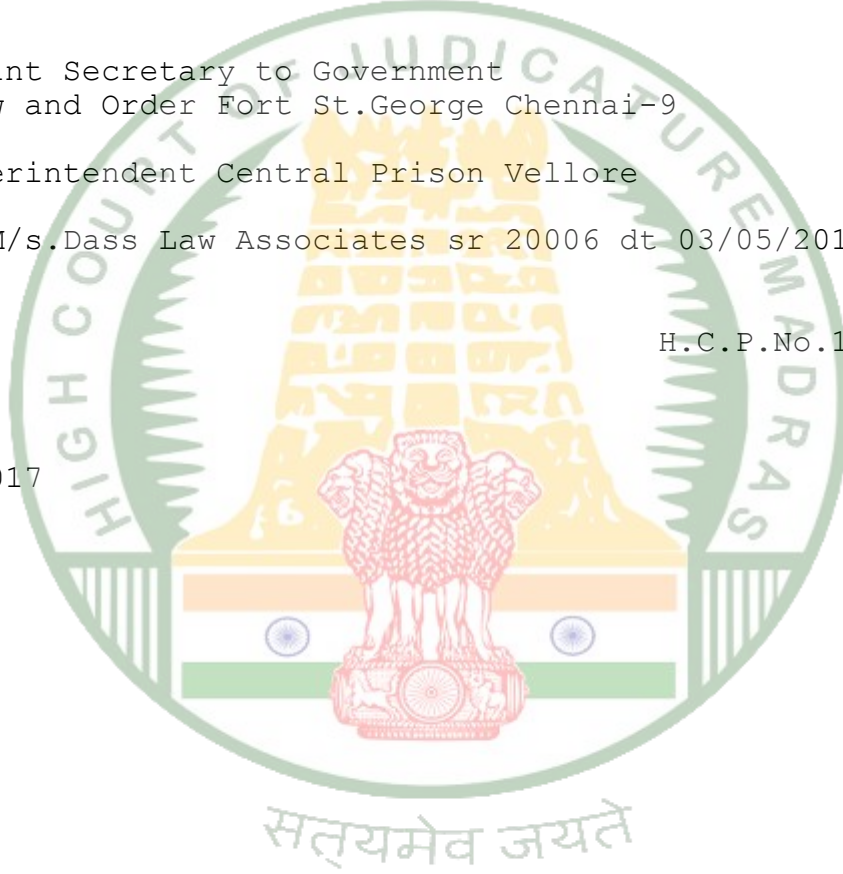
To

1. The District Collector cum District Magistrate,
Office of the Collectorate,
Vellore District
2. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9
3. The Public Prosecutor, High Court, Chennai.
4. The Joint Secretary to Government
Public Law and Order Fort St.George Chennai-9
- 5.The Superintendent Central Prison Vellore

+1 cc to M/s.Dass Law Associates sr 20006 dt 03/05/2017

H.C.P.No.1948 of 2016

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