



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

AND

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

H.C.P(MD)No.218 of 2017

Palsankar @ Sankar

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George, Chennai.

2.The Commissioner of Police
Tirunelveli City,
Tirunelveli

3.The Superintendent of Prison
Central Prison, Palayamkottai
Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in No.4/BCDFGISSSV/2017 dated 25/01/2017 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Palsankar @ Sankar, S/o.Ramaiah, aged about 25 years now detained at Central Prison Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.C.Mayilvahana Rajendran, A.P.P.

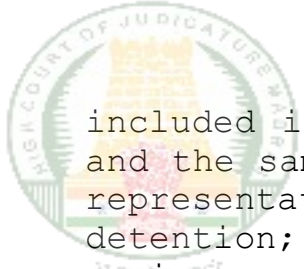
O R D E R

[Order of the Court was made by M.V.MURALIDARAN, J.]

The petitioner is the detenu. The detenu has been detained by the 2nd respondent by order dated 25.01.2017, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3.Though many grounds have been raised in the petition, the learned counsel appearing for the petitioner has restricted his contention by contending that Copies of a number of documents



included in the booklet supplied to the detenu are illegible and the same deprived the detenu of his right to make an effective representation with necessary details against the order of detention; and that the detenu sought for supply of the clean copies and the same was not considered and copies of those documents were not supplied to him.

4. The learned Additional Public Prosecutor on behalf of the respondents would refute the submissions made by the learned counsel for the petitioner.

5. As pointed out by the learned counsel for the petitioner, the copies of the documents found at Page Nos. 131 to 137 of the booklet are illegible, as the entire portion of the document has been blackened and the contents cannot be read. Hence, as rightly contended by the learned counsel for the petitioner, by the supply of such illegible copies, he was denied of reasonable opportunity of making an effective representation against the order of detention at the earliest point in time. On this ground, the order of detention is liable to be set aside. Therefore, we are inclined to set aside the detention order.

6. In the result, the Detention Order, passed by the 2nd respondent, in his proceedings in Detention Order No. 4/BCDFGISSSV/2017 dated 25.01.2017 is quashed. The detenu, namely, Palsankar @ Sankar, son of Ramaiah, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (C.S.)

To

1. The Principal Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai.
2. The Commissioner of Police
Tirunelveli City, Tirunelveli
3. The Superintendent
Central Prison, Palayamkottai, Tirunelveli District
4. The Joint Secretary to Government of Tamil Nadu,
Public (Law & Order), Fort St. George, Chennai-9.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

RR

MAS/JC/SAR2:06.06.2017:2P-6C