

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.35 of 2019

Gowtham

.. Petitioner

Versus

1.The State of Tamil nadu
rep.by its Secretary to Government
Department of Home, Prohibition and Excise Department
Chennai 600 009.

2.The District Collector and District Magistrate
Kancheepuram District,
Kancheepuram.

Respondents

..

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the records in No.101/BCDFGISSSV/2018 dated 15.12.2018 on the file of the second respondent herein and set aside the same as illegal and produce the detainee Suresh @ Satti Suresh, son of Rajendran, aged about 28 years, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner: Mr.Ilayaraja kandasamy

For Respondents: Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

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

The petitioner is the brother-in-law of Suresh @ Satti Suresh, son of Rajendran, aged about 28 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.101/BCDFGISSSV/2018 dated 15.12.2018 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 appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that there is gross violation of procedural safeguards, which would vitiate the detention. The learned counsel, by placing authorities, submitted that the arrest intimation in connection with the ground case was sent through SMS through phone and hence, the valuable right guaranteed to the detenu as to the intimation of his arrest and steps be taken by the detenu to get him out of the jail has been denied and hence, prays for appropriate orders.

4. In the subject case, admittedly, valuable right guaranteed to the detenu as to the further steps taken to get him out in the said case has been vitiated and hence the impugned detention order is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.101/BCDFGISSSV/2018 dated 15.12.2018, passed by the second respondent is set aside. The detenu, namely, Suresh @ Satti Suresh, son of Rajendran, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sk

To

1.The Secretary to Government
Department of Home, Prohibition and Excise Department
Chennai 600 009.

2.The District Collector and District Magistrate
Kancheepuram District,
Kancheepuram.

3.The Superintendent of Central Prison,
Puzhal, Chennai 66

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

5.The Public Prosecutor
High Court, Madras.

HCP.No.35 of 2019

KK (CO)
CSL/15.07.2019



WEB COPY