

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No. 86 of 2019

Mala

.. Petitioner

Vs

1.The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records connected with the order of detention passed by the 2nd respondent herein concerned in BCDFGISSSV No.1090/2018 dated 28.11.2018 and quash the order of detention passed therein by the 2nd respondent herein against the detenu and consequently directing the respondents herein to produce the body and person of the detenu by name Rajesh @ Sangili Rajesh, aged 24 years, son of Munusamy, now detained in Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Sasikumar

For Respondents : Mr.R.Prathap Kumar
Addl.Public Prosecutor

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is the mother of the detenu Rajesh @ Sangili Rajesh, aged 24 years, son of Munusamy, has come up with this habeas corpus petition, challenging the detention order

passed by the second respondent, vide BCDFGISSSV No.1090/2018 dated 28.11.2018, 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 respondents 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 Page No.167 in the booklet furnished to the detenu is illegible and could not be read at all. This illegible copy would deprive the detenu of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on this ground 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 Page No.167 in the booklet furnished to the detenu is 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 result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.1090/2018 dated 28.11.2018 passed by the second respondent is set aside. The detenu, namely, Rajesh @ Sangili Rajesh, aged 24 years, son of Munusamy, 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

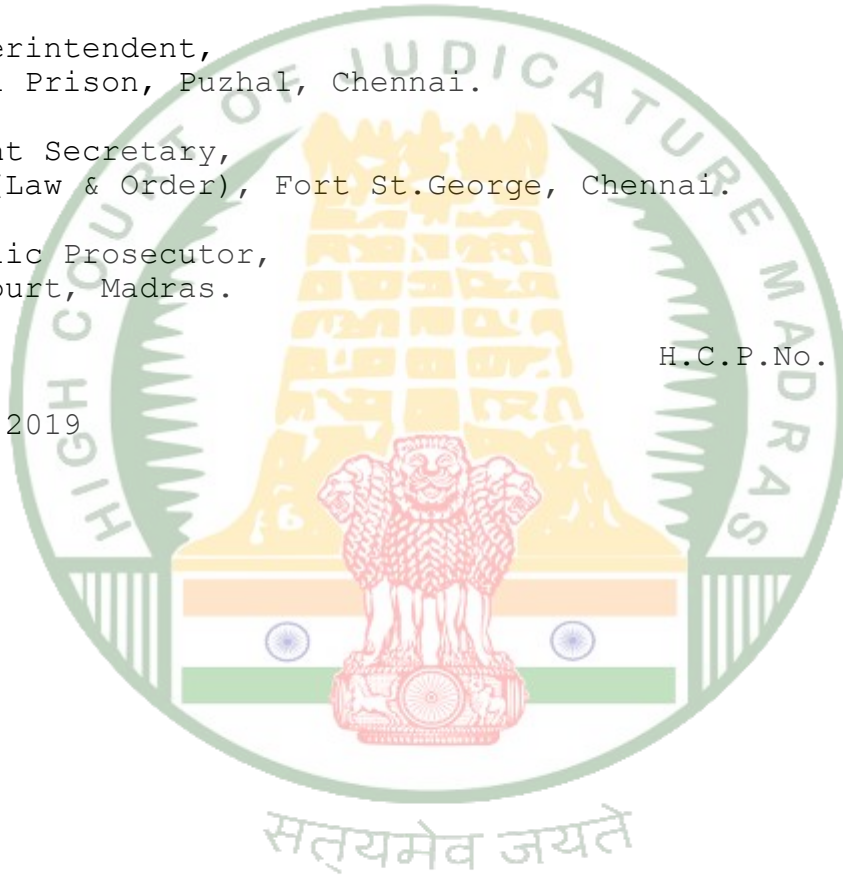
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To:-

- 1.The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Joint Secretary,
Public(Law & Order), Fort St.George, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

SKV(CO)
CSL/15.07.2019

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