

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

Coram

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

H.C.P. No. 159 of 2019

Ganesan ... Petitioner

-vs-

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Tiruppur,
Tiruppur District
Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 25.12.2018 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.13/Goonda/2018, quash the same as illegal and consequently direct the respondents herein to produce the petitioner namely GANESAN, S/o (Late) Veerapathran, aged 43 years before this Court and set the petitioner at liberty from detention, now the petitioner detained at Central Prison, Coimbatore.

For petitioner : Mr.W. Camyles Gandhi
For Respondents: Mr.C. Iyyappa Raj
Addl.Public Prosecutor

ORDER

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

The petitioner is the detenu, aged about 43 years has come up with this habeas corpus petition, challenging the detention order passed against him by the second respondent, vide Cr.M.P.No.13/Goonda/2018 dated 25.12.2018 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 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 the order of remand was not furnished to the detenu. This would deprive the detenu in 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 the order of remand was not furnished to the detenu. 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

Memo No. Cr.M.P.No.13/Goonda/2018 dated 25.12.2018 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.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sr

- 1.THE SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT ST. GEORGE, SECRATARIAT,
CHENNAI - 600 009.
- 2.THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR,
TIRUPPUR,
TIRUPPUR DISTRICT
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE
- 4.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.
- 5.THE JOINT SECRETARY TO THE GOVT PUBLIC LAW AND ORDER,
FORT SAINT GEORGE, CHENNAI-9.

A.SK(11/07/2019)

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