

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

Coram

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

H.C.P.No.236 of 2019

Krishnaveni

.. Petitioner

Vs

1.The State of Tamil Nadu,  
rep.by the Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort Saint George, Chennai-600 009.

2. The District Collector and District Magistrate  
Vellore District,  
Vellore 632 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, calling for the records of the second-respondent, pertaining to the order made in C3/D.O.No.10/2019 dated 24.01.2019, in detaining the detenu under the Tamil Nadu Act 14 of 1982, as a Bootlegger and quash the same and direct the respondents to produce the detenu, namely, Sowndarrajan, son of Amirdhalingam, detained at the Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner .. Mr.O.S.Thilak Pasumbadiyar

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 wife of Sowndarrajan, son of Amirdhalingam aged 53 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O.No.10/2019 dated 24.01.2019, holding him to be a

"Bootlegger", as contemplated under Section 2(b) 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. Amidst several grounds raised, learned counsel for the petitioner pointed out that though the detaining authority has expressed his awareness that the detenu is in remand in the adverse cases in Crime Nos.4 of 2017, 226 of 2017, 286 of 2017 on the file of Pallikonda Police Station and Crime No.195 of 2018 on the file of Vaniyambadi PEW, the details of those cases have not been furnished to the detenu in the booklet and there is nothing to show that such material was placed before the detaining authority at the time of clamping the order of detention and the subjective satisfaction expressed by the detaining authority is vitiated.

4. A perusal of the booklet would go to show that the details of the adverse cases have not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the details in respect of the adverse cases prevented the detenu from making effective representation. Thus, for the reasons stated herein-above, the impugned detention order cannot be sustained.

5. Accordingly, the impugned detention order passed by the 2<sup>nd</sup> respondent, detaining the detenu, namely, Sowndarrajan, son of Amirdhalingam aged 53 years, made in C3/D.O.No.10/2019 dated 24.01.2019 is quashed and the Habeas Corpus Petition is allowed. The above named detenu, who is detained in the Central Prison, Vellore is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

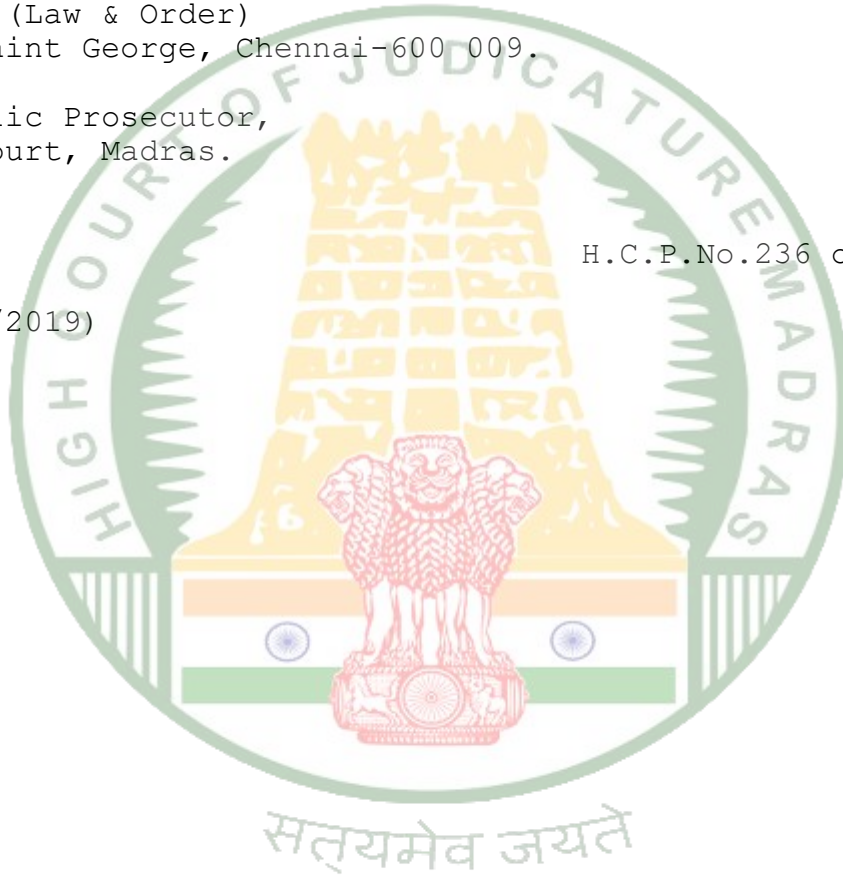
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To

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort Saint George, Chennai-600 009.
2. The District Collector and District Magistrate  
Vellore District,  
Vellore 632 009.
- 3.The Superintendent,  
Central Prison, Vellore.
4. The Joint Secretary to Government  
Public (Law & Order)  
Fort Saint George, Chennai-600 009.
- 5.The Public Prosecutor,  
High Court, Madras.

RR(CO)  
GMY(11/07/2019)

H.C.P.No.236 of 2019



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