

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. 241 of 2019

Deva

...Petitioner/
/Brother of the Detenue

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George, Chennai - 9
2. The District Collector and District Magistrate
Villupuram District,
Villupuram.

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of a Writ of Habeas Corpus to call for the entire records relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 08.01.2019 on the file of the second respondent herein made in proceedings R.C.No.C2/688/2019, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother namely Kumaran S/o Logu, aged 22 years before this Hon'ble Court and set the petitioner's brother at liberty from detention, now the petitioner's brother detained at Central Prison, Cuddalore.

For Petitioner : Mr.R.Sasikumar

For Respondents: Mr.C.Iyyappa Raj
Addl. Public Prosecutor

ORDER

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

The petitioner, who is the brother of detenu Kumaran S/o Logu aged about 22 years has come up with this habeas corpus petition, challenging the detention order passed against

him by the second respondent, in proceedings R.C.No.C2/688/2019 dated 03.01.2019, detaining him as "Bootlegger", as contemplated under Section 2(b) of the 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 in page nos. 28 and 64 in the booklet furnished to the detenu are illegible and could not be read at all. This illegible copies would deprive the detenu of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on these grounds 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 nos.28 and 64 in the booklet furnished to the detenu are 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 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 proceedings R.C.No.C2/688/2019 dated 08.01.2019 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.

mmi/ssm

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Sd/-
Assistant Registrar(CS II)
//True Copy//

Sub Assistant Registrar

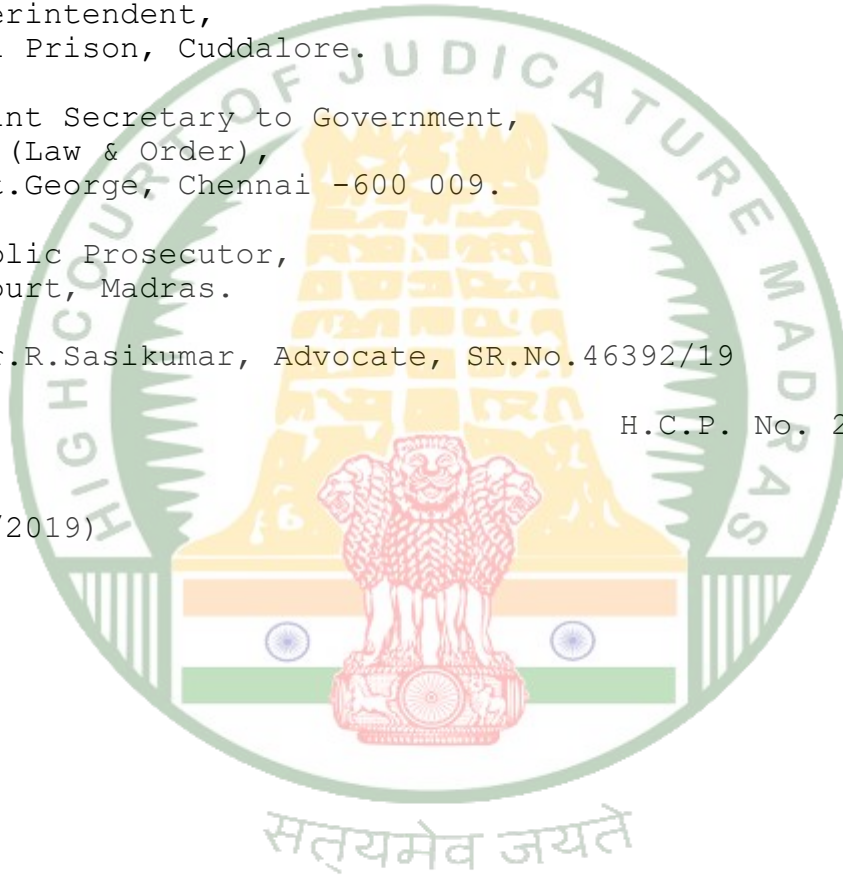
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George, Chennai - 9
- 2.The District Collector and District Magistrate
Villupuram District,
Villupuram.
- 3.The Superintendent,
Central Prison, Cuddalore.
4. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai -600 009.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sasikumar, Advocate, SR.No.46392/19

H.C.P. No. 241 of 2019

Kak(22/07/2019)



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