

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

H.C.P. No. 326 of 2019

Bhavani

... Petitioner

-vs-

1. State of Tamil Nadu,
Rep.By,The Secretary,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records on the file of the second respondent in detention Order No.05/2019 dated 22.01.2019 and direct the respondents to produce the detenu namely Parthiban, male, aged 30 years, S/o Kuttappan, now confined at Central Prison -II, Puzhal, Chennai before this Court and set her husband at liberty.

For petitioner : Mr.S.Nambirajan

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 wife of the detenu, has come up with this habeas corpus petition, challenging the detention order passed against him by the second respondent, vide BCDFGISSSV No.05/2019 dated 22.01.2019, 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 Page Nos.179 to 185 of the booklet, furnished to the detenu, are 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 Nos.179 to 185 of 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 BCDFGISSSV No.05/2019 dated 22.01.2019, 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.

sr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

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

3.The Superintendent,
Central Prison, Puzhal-II, Chennai

4.The Joint Secretary to Government,
Public (Law & Order),
Fort St.George,
Chennai -600 009.

5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 326 of 2019

Kak (24/07/2019)



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