

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM

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

H.C.P.NO.348 OF 2019

R.Deepa

... Petitioner

-vs-

1. The State of Tamil Nadu
rep. By its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.
2. The District Collector and
District Magistrate,
Kanchipuram, Kanchipuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records of the 2nd respondent in BCDFGISSSV No.6/2019 dated 24.01.2019 and quash the same and produce the detenu Rajkumar @ Raj, TDPA No.7555 now detained at Central Prison, Vellore, Vellore District, before this Court and set him at liberty.

For Petitioner : Mr.K.C.Senthil Kumar

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 the detenu Rajkumar @ Raj, S/o.Venkatesan. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.06/2019 dated 24.01.2019, holding him to be a "Sand Offender", as contemplated under Section 2(gg) 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. The learned counsel for the petitioner assailed the order of detention on the ground that the translated version of Page No.99 of the booklet has not been supplied to the detenu, which, according to the detenu, deprived of his opportunity to make effective representation to the Government opposing the order of detention and hence, the order of detention is liable to be quashed.

4. There is no satisfactory explanation offered by the learned Additional Public Prosecutor appearing for the detaining authority for the non-supply of the above said document.

5. Therefore, we are of the view that it is a fit case to set aside the impugned order of detention on the above grounds. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.06/2019 dated 24.01.2019 passed by the second respondent is set aside. The detenu, namely, Rajkumar @ Raj, S/o.Venkatesan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.
2. The District Collector and
District Magistrate,
Kanchipuram, Kanchipuram District.
3. The Superintendent,
Central Prison, Vellore.

4. The Public Prosecutor,
High Court, Madras.

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

+1cc to Mr.K.C.Senthil Kumar, Advocate, S.R.No.47301

H.C.P.No.348 of 2019

PA(CO)
CS/29/07/2019



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