

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2019

Coram

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

H.C.P. No. 461 of 2019

Santhosh

... 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 Magistrate & District Collector,
Tiruvallur District
Tiruvallur

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records of the second respondent in BCDFGISSSV No.02/2019 dated 10.01.2019 and quash the same thereby direct the respondent to produce the detenu Santhosh, S/o Late Veeraragavan, aged 25 years, lodged in Prison, Puzhal, Chennai.

For petitioner : Mr.V. Jeevagiridharan
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 detenu, has come up with this habeas corpus petition, challenging the detention order passed against him by the second respondent, vide Memo No.BCDFGISSSV No.02/2019 dated 10.01.2018, 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 in the booklet, furnished to the detenu, the ground case crime number has been wrongly mentioned as 741/2017 instead of 741/2018. This 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 in the booklet, the ground case crime number is wrongly mentioned as 741/2017 instead of 741/2018. 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. BCDFGISSSV No.02/2019 dated 10.01.2019 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.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

sr

To:

1.The Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

WEB COPY

2.The District Magistrate & District Collector,
Tiruvallur District
Tiruvallur

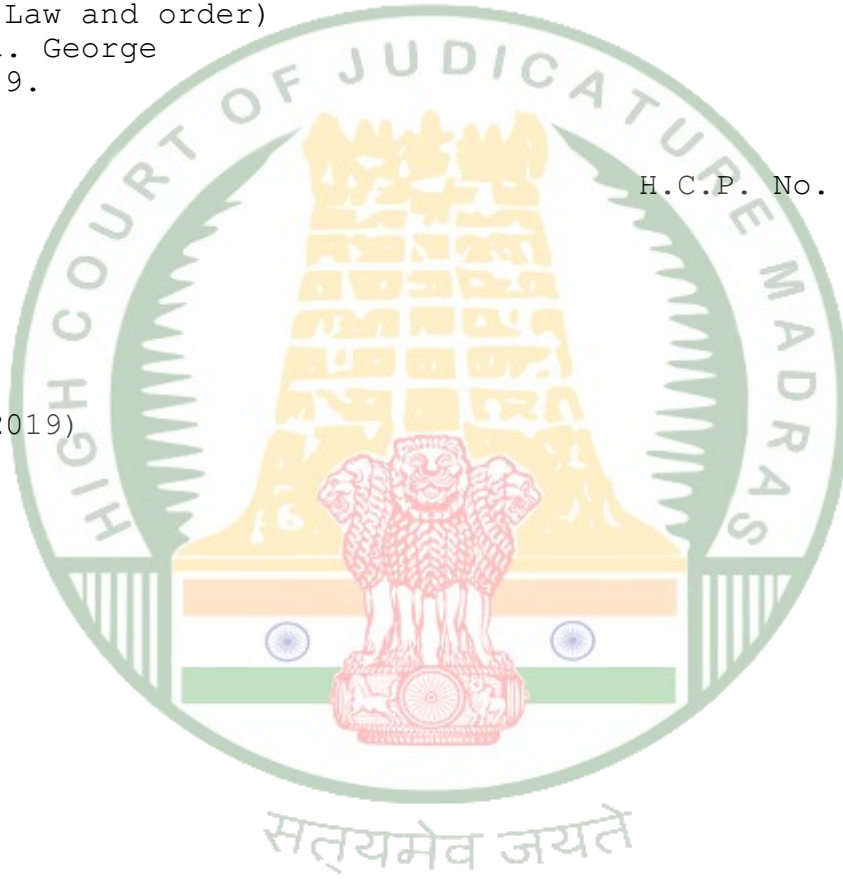
3.The Superintendent,
Central Prison, Puzhal-II,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government
Public (Law and order)
Fort. St. George
Chennai 9.

H.C.P. No. 461 of 2019

RSK(CO)
SP(26/07/2019)



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