

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2019

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

H.C.P. No. 598 of 2019

Tmt.Monika

... 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 and
District Collector of Tiruvallur District
Tiruvallur

.... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for records relating to the detention order made in BCDFGISSV No.07/2019 dated 20.02.2019 passed by the second respondent and quash the same and direct the respondents to produce the detenu Muthu, S/o Murthy aged about 23 years, now confined in Central Prison-II, Puzhal, Chennai before this Court and set him at liberty.

For petitioner : Mr.A. Sasi Kumar

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 wife of the detenu Muthu, S/o Moorthy, aged about 28 years has come up with this habeas corpus petition, challenging the detention order passed against her husband by the second respondent, vide No. BCDFGISSV No.07/2019 dated 20.02.2019 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 No.60 of the booklet, furnished to the detenu, is 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.

4. We have gone through the same. A perusal of the booklet supplied to the detenu would show that Page No.60 of the booklet furnished to the detenu is 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.

5. 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 BCDFGISSV No.07/2019 dated 20.02.2019 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.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

sr

To:

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

2.The District Magistrate and
District Collector of Tiruvallur District
Tiruvallur

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

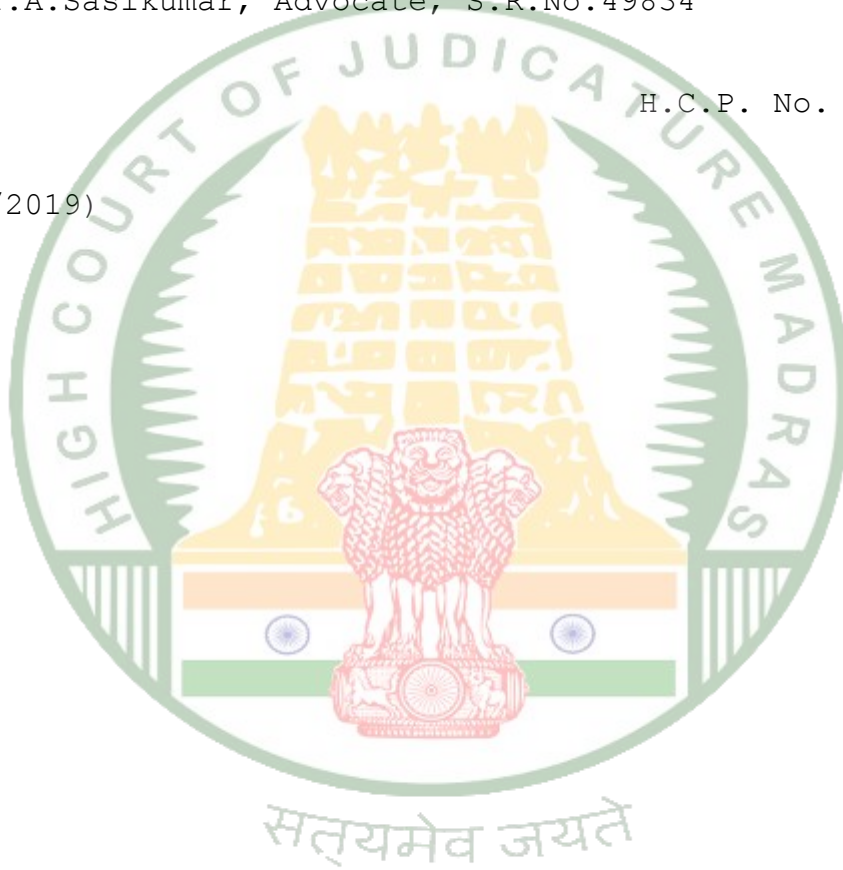
4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.A.Sasikumar, Advocate, S.R.No.49834

H.C.P. No. 598 of 2019

KS (CO)

RRS (23/07/2019)



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