



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

Coram

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

H.C.P.No.804 of 2019

Rahamath Nisha

.. Petitioner

Vs

1.Government of Tamil Nadu rep. by its
Secretary,
Home, Prohibition and Excise (XVI)
Department, Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police/
Detaining Authority,
Coimbatore City.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in detention order in C.No.12/G/IS/2019 dated 30.03.2019 on the file of the second respondent and set aside the same and direct the respondents herein to produce the body of the petitioner's husband D.Haridass, son of Devaraj, aged 31 years, now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.R.Subadra Devi

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 D.Haridass, son of Devaraj, aged 31 years, has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide



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C.No.12/G/IS/2019 dated 30.03.2019, branding him as a "Drug Offender" 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 respondents and we have also perused the records carefully.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that in the booklet supplied to the detenu, Page No.68 is not legible and this deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page No.68 of the booklet, it is clear that the detaining authority, by providing illegible copy of the document, has taken away the rights of detenu to effectively defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.12/G/IS/2019 dated 30.03.2019 passed by the second respondent is set aside. The detenu, namely, D.Haridass, son of Devaraj, aged 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

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1. The Secretary to Government,
Home, Prohibition and Excise (XVI)
Department, Fort St. George,
Chennai - 600 009.
 2. The Commissioner of Police/
Detaining Authority,
Coimbatore City.
 3. The Superintendent,
Central Prison, Coimbatore.
 4. The Joint Secretary to Government, Public (Law and
order) Fort.St.George, Chennai 9.
 5. The Public Prosecutor,
High Court, Madras.
- H.C.P.No.804 of 2019
- A.SK(08/08/2019)