



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.07.2019

CORAM

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

H.C.P.No.895 of 2019

D.Thanmathi

.. Petitioner

Vs

1.State of Tamil Nadu
rep. by The Secretary to the Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 7.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records pertaining to the Memo in No.151/BCDFGISSSV/2019 dated 25.03.2019 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the petitioner's husband Dixon, Son of Raffels, aged 44 years, now confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.K.M.Appaji

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 Dixon, Son of Raffels, aged 44 years, has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide Memo in No.151/BCDFGISSSV/2019 dated 25.03.2019, 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 the detaining authority, while detaining the detenu, has not furnished the legible copy of the document relied on by him 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.81 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 Memo in No.151/BCDFGISSSV/2019 dated 25.03.2019 passed by the second respondent is set aside. The detenu, namely, Dixon, Son of Raffels, aged 44 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to the Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 7.
3. The Superintendent,
Central Prison, Puzhal, Chennai.



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

SS (CO)

<https://hcservices.ecourts.gov.in/hcservices/>