

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No.1352 of 2019

Vimalraj

... Petitioner

-vs-

1.State of Tamil Nadu

Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009

2.The District Collector & District Magistrate
of Cuddalore District,
Cuddalore.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records relating to the petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 30.04.2019 on the file of the second respondent herein made in proceedings C3/D.O./30/2019 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner namely, Vimalraj, son of Sagayaraj, aged 25 years, before this Court and set the petitioner at liberty from detention, now the petitioner detained at Central Prison, Cuddalore.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The detenu himself is the petitioner. He has come up with this habeas corpus petition, challenging the detention order

passed by the second respondent, vide C3/D.O./30/2019 dated 30.04.2019, 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 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. 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.152 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 C3/D.O./30/2019 dated 30.04.2019, passed by the second respondent is set aside. The detenu, namely, Vimalraj, son of Sagayaraj, aged 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

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

2.The District Collector & District Magistrate
of Cuddalore District,
Cuddalore.

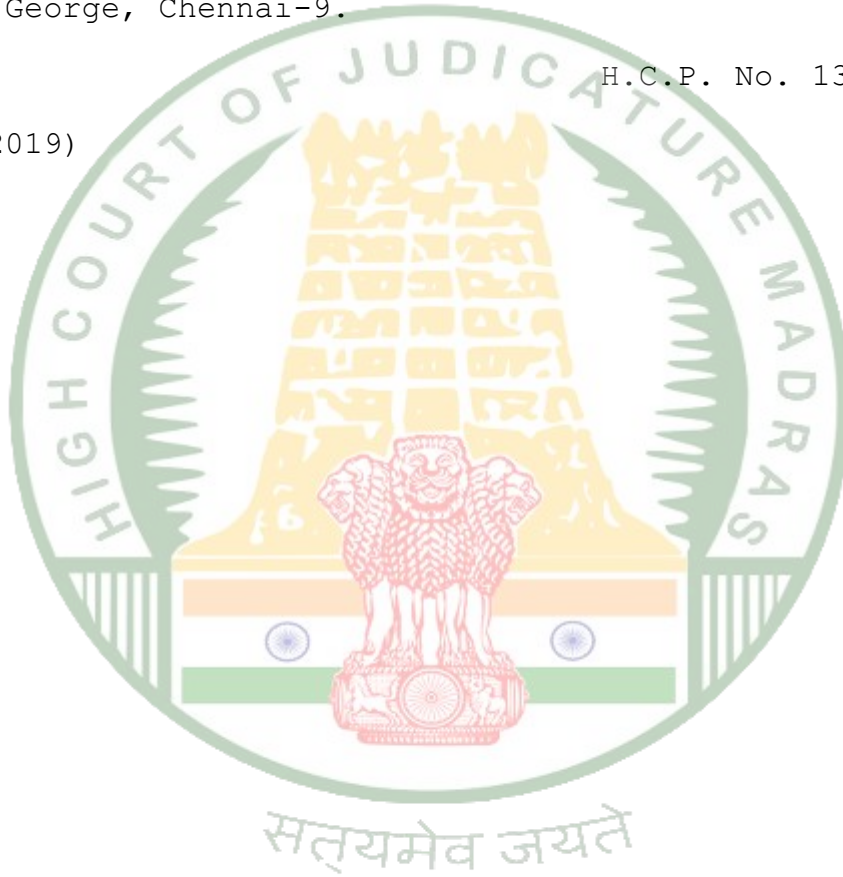
3.The Superintendent of Prison,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretaty to Govt.,
Public (Law & Order),
Fort St.George, Chennai-9.

H.C.P. No. 1352 of 2019

NRL(CO)
CB(13/11/2019)



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