

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2019

Coram

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

H.C.P. No. 1409 of 2019

Appu ..Petitioner/Father of the Detenue

-vs-

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 600 009
- 2.The Commissioner of Police,
Chennai City Police,
Greater Chennai, Commissioner Office,
Vepery, Chennai - 07. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in No.259/BCDFGISSSV/2019 dated 17.05.2019 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Ganesh, son of Appu, aged about 24 years, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner .. Mr.Ilayaraja Kandasamy
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 father of the detenu Ganesh, son of Appu, aged about 24 years, has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide Memo 259/BCDFGISSSV/2019 dated 17.05.2019, 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.181 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 No.259/BCDFGISSSV/2019 dated 17.05.2019 passed by the second respondent is set aside. The detenu, namely, Ganesh, son of Appu, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

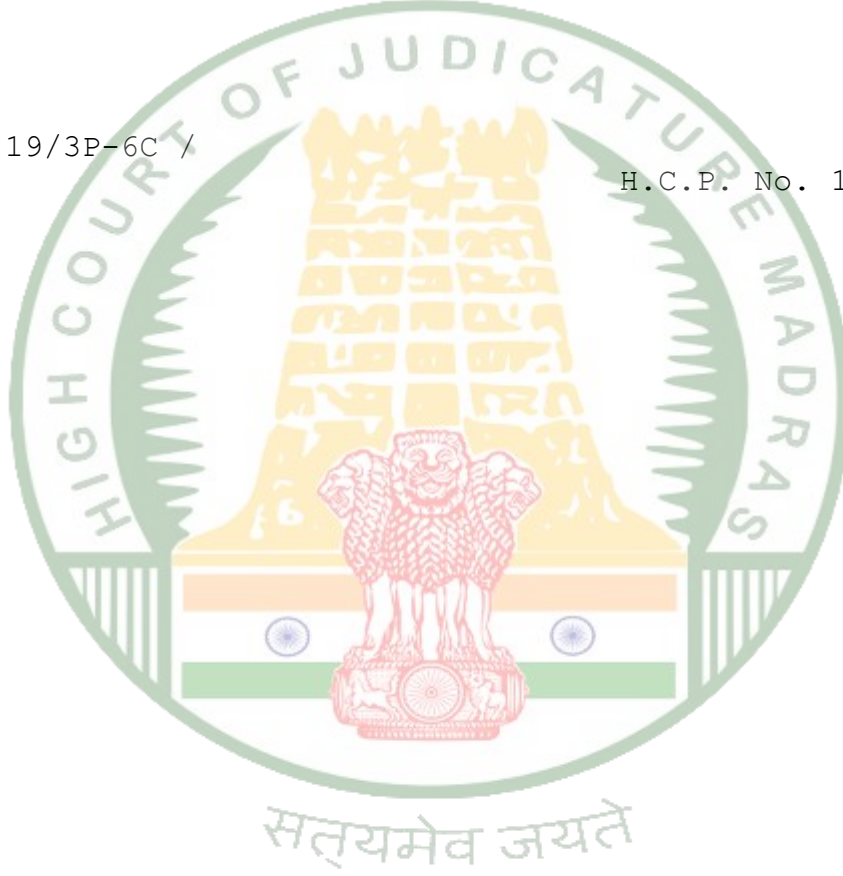
1. The Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St. George, Chennai - 600 009

2. The Commissioner of Police,
Chennai City Police,
Greater Chennai, Commissioner Office,
Vepery, Chennai - 07.

- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St.George, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

AKM/30.10.19/3P-6C /

H.C.P. No. 1409 of 2019



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