

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

Coram

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

H.C.P. No. 1435 of 2019

Ramya

... Petitioner

-vs-

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009
- 2.The District Collector and District Magistrate,
Villupuram District, Villupuram. 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 husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 06.07.2019 on the file of the second respondent herein made in proceedings R.C.No.C2/16655/2019 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Raja @ Marur Raja, S/o.Selvaraj, aged 35 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Cuddalore.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.C.Iyyappa Raj
Addl.Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Raja @ Marur Raja, S/o.Selvaraj, aged 35 years. The detenu has been detained by the

second respondent by his order in R.C.No.C2/16655/2019 dated 06.07.2019 holding to be a "Bootlegger", as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.Amidst several grounds raised, learned counsel for the petitioner pointed out that the detenu was involved in one adverse case and though the detaining authority has expressed his awareness that the detenu is in remand in the ground case and the bail petition filed by the detenu in Crl.M.P.No.4122 of 2019 before the Court of Sessions, Villupuram Sessions Division, Villupuram is pending, there is no reference about the bail petition filed in respect of the adverse case in Crime No.1586 of 2019. Learned counsel would further submit that there is nothing to show that such material was placed before the detaining authority at the time of clamping the order of detention. Therefore, the subjective satisfaction expressed by the detaining authority is vitiated.

4.A perusal of the grounds of detention would go to show that the details of the bail petition in respect of the adverse case have not been mentioned in the grounds of detention. Therefore, non-furnishing of the details in respect of the adverse case prevented the detenu from making effective representation. Thus, for the reasons stated herein-above, the impugned detention order cannot be sustained.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in R.C.No.C2/16655/2019 dated 06.07.2019 passed by the second respondent is set aside. The detenu, Raja @ Marur Raja, S/o.Selvaraj, aged 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

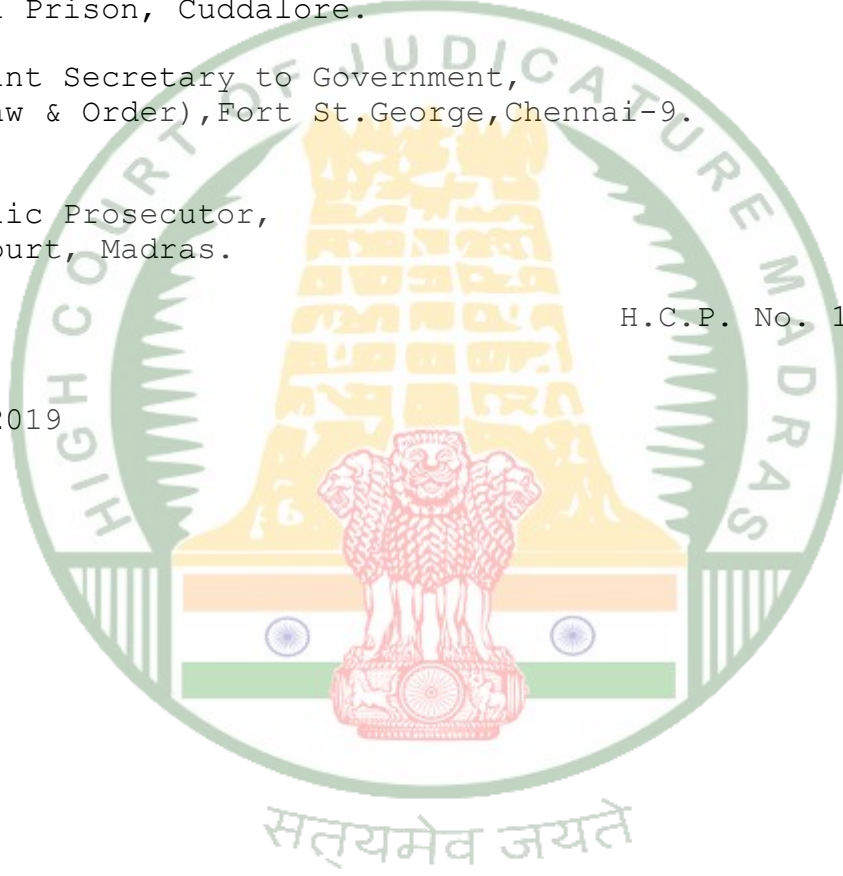
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To

- 1.The Secretary to Government,
Home,Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009
- 2.The District Collector and District Magistrate,
Villupuram District, Villupuram.
- 3.The Superintendent,
Central Prison, Cuddalore.
4. The Joint Secretary to Government,
Public (Law & Order),Fort St.George,Chennai-9.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1435 of 2019

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