

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

Coram

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

H.C.P. No. 1456 of 2019

Sudha Petitioner/wife of the detenu

-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,
Tiruppur City. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records in C.No.05/G/IS/2019 dated 24.06.2019 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the body of the petitioner's husband Arivazhagan, aged 34 years, son of Ramasamy, now confined in Central Prison, Coimbatore and set him at liberty.

For Petitioner: Ms.R.Subhadra Devi

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

ORDER

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

The petitioner is the wife of the detenu Arivazhagan, son of Ramasamy, male, aged about 34 years. The detenu has been detained by the second respondent by his order in C.No.05/G/IS/2019 dated 24.06.2019, holding to be a "Goonda", as contemplated under Section 2(f) 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.Though the learned counsel for the petitioner raised several grounds, his main submission is that the arrest intimation has not been enclosed in the booklet furnished to the detenu, which according to the detenu, deprived of his opportunity to make effective representation to the Government opposing the order of detention and hence, the order of detention is liable to be quashed.

4.There is no satisfactory explanation offered by the learned Additional Public Prosecutor appearing for the detaining authority for the non-supply of the above said document.

5. Therefore, we are of the view that it is a fit case to set aside the impugned order of detention on the above grounds. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention C.No.05/G/IS/2019 dated 24.06.2019, passed by the second respondent is set aside. The detenu, namely, Arivazhagan, son of Ramasamy, male, aged about 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

- 1.The Secretary,
Home, Prohibition and Excise(XVI) Department,
Fort St.George, Chennai - 600 009
- 2.The Commissioner of Police/Detaining Authority,
Tiruppur City.
- 3.The Superintendent of Prison,
Central Prison,Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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

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CA(CO)
CB(21/11/2019)



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