

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2019

Coram

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

H.C.P. No. 1759 of 2019

Shanthi

... Petitioner

-vs-

1.State Rep. by the Chief Secretary to the Government,
Home Department,
Chief Secretariat, Gubert Avenue,
Puducherry - 605 001.

2.The District Magistrate cum Authorized Officer,
1st Floor, Vazhadhavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records of the detention order vide 05/DM/RO/D2/PPASAA/2019 dated 27.05.2019 on the file of the second respondent and quash the same and produce the petitioner's son Sundar @ Sakthivel @ Maduvupet Sundar, S/o. Muthukrishnan, aged 30 years, confined at Central Prison, Kalapet, Puducherry before this Court and set him at liberty.

For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mr.D.Bharadha Chakravarthy
Public Prosecutor(Puducherry)

ORDER

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

The petitioner is the mother of the detenu, Sundar @ Sakthivel @ Maduvupet Sundar, S/o. Muthukrishnan, male, aged 30 years. The detenu has been detained by the second respondent by his order in 05/DM/RO/D2/PPASAA/2019 dated 27.05.2019, holding

to be a "Dangerous Person", as contemplated under subsection (2) of Section 3 of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2010). 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 Public Prosecutor (Puducherry) 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 copies of the documents 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 Nos. 63, 96, 97, 102 to 107 and 126 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, 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 05/DM/RO/D2/PPASAA/2019 dated 27.05.2019 passed by the second respondent is set aside. The detenu, namely, Sundar @ Sakthivel @ Maduvupet Sundar, S/o. Muthukrishnan, male, aged 30 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 Chief Secretary to the Government,
Home Department,
Chief Secretariat, Gubert Avenue,
Puducherry - 605 001.

2.The District Magistrate cum Authorized Officer,
1st Floor, Vazhadhavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

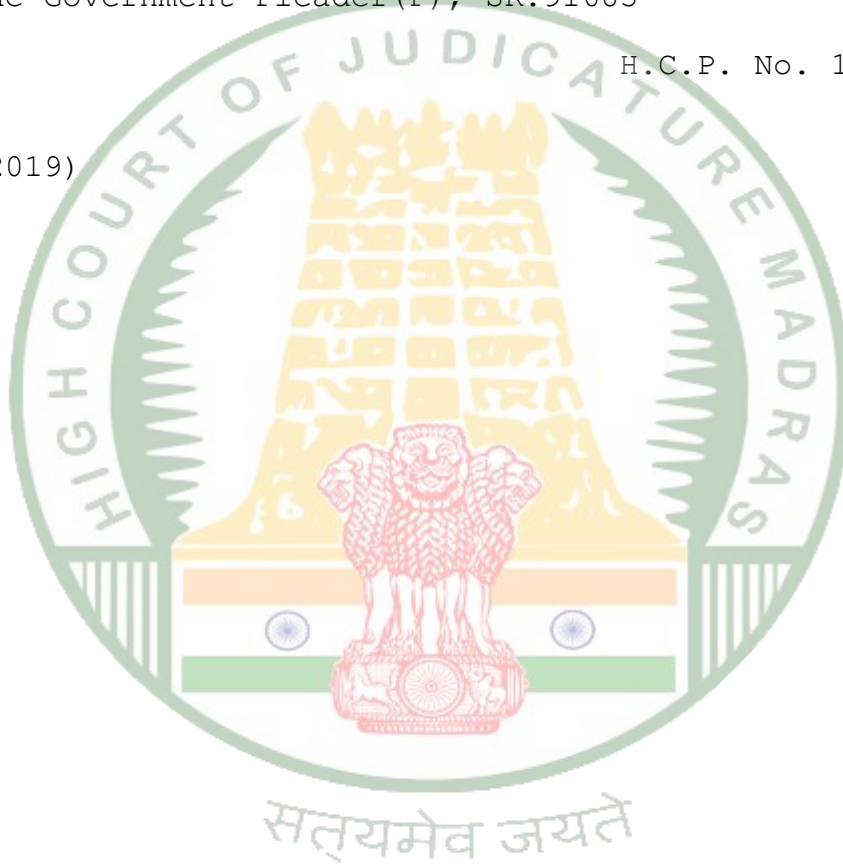
3.The Superintendent,
Central Prison, Kalapet, Puducherry.

4.The Public Prosecutor,
Puducherry.

+1cc to the Government Pleader(P), SR.91683

H.C.P. No. 1759 of 2019

SSD(CO)
CB(30/12/2019)



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