

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

Coram

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

H.C.P. No. 1872 of 2019

Mageswari

... Petitioner

-vs-

1.The State of Tamil Nadu rep. by
its Secretary to Government,
Home, Prohibition and Excise Department,
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 calling for the records relating to the proceedings of the second respondent herein in R.C.No.C2/16102/2019 dated 23.06.2019 and quash the same and produce the detenu Thiru.Manavalan, S/o.Krishnamurthy, age 38 years, T.P.D.A. No.3302, now detained in Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner ... M/s.K.M.Vijayan
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 Manavalan, S/o.Krishnamurthy, aged about 38 years. The detenu has been detained by the second respondent by his order in R.C.No.C2/16102/2019 dated 23.06.2019, 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.Though the learned counsel for the petitioner raised several grounds, his main submission is that the translated copy of the remand extension order 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 ground. 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 R.C.No.C2/16102/2019 dated 23.06.2019, passed by the second respondent is set aside. The detenu, namely, Manavalan, S/o.Krishnamurthy, aged about 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

mmi/ssm

To

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

2.The District Collector and District
Magistrate, Villupuram District,
Villupuram.

3.The Superintendent,
Central Prison,
Cuddalore.

4.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1872 of 2019

EV (CO)
CSR(30/12/2019)



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