

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. 1856 of 2019

K.Narayanan

... Petitioner

-vs-

1.The State of Tamil Nadu rep. by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

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

3.The Superintendent,
Central Prison,
Vellore, Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records connected with the order of detention passed by the second respondent in D.O.No.62/2019-C2 dated 07.08.2019 on the file of the second respondent and quash the same, consequently, directing the respondents to produce the detenu namely the petitioner's son Venkatesan, aged about 40 years detained in the Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.E.Sathiyaraj

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 father of the detenu Venkatesan, son of Narayanan, male, aged about 40 years. The detenu has been detained by the second respondent by his order in D.O.No.62/2019-C2 dated 07.08.2019, 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 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 D.O.No.62/2019-C2 dated 07.08.2019, passed by the second respondent is set aside. The detenu, namely, Venkatesan, son of Narayanan, male, aged about 40 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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

AKM/18.12.19/3P-6C /

H.C.P. No. 1856 of 2019



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