

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.195 of 2020

M. Panjali

... Petitioner

Vs

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs (Department of internal security),
North Block,
New Delhi.
2. The Additional Secretary to Government (Home),
Government of Puducherry,
Chief Secretariat,
Gubert Avenue,
Pondicherry.
3. The District Magistrate-Cum-Authorized Officer,
No. 3rd Floor, Vazhuthavoor Road,
Kavundanpalayam,
Pondicherry.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to impugned detention order vide Memorandum No. 13/DM/RO/D2/PPASAA/2019 dated 31.10.2019 passed by the Third Respondent, whereby detaining the Petitioner's son namely Logu @ Loganathan S/o Murugan (Age-30), under the Puducherry Prevention of Anti Social Activities Act, 2008, and detaining him at Central Prison, Kalapet, Puducherry.

For Petitioner : Mr. Prakash Adiapadam

For Respondents: Mr. S.S. Pajaniradja for R1
Central Government Standing
Counsel

Mr. Bharatha Chakkravarthy for R2 & R3
Public Prosecutor (Puducherry)

O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner has challenged the detention order Memorandum No. 13/DM/RO/D2/PPASAA/2019 dated 31.10.2019 passed against her son by the Third Respondent as he has got 2 adverse cases apart from one ground case registered against him.

3.Heard Mr. Prakash Adiapadam, learned counsel for the Petitioner, Mr. S.S.Pajaniradja, learned Central Government Standing Counsel for the First Respondent and Mr. Bharatha Chakkravarthy, learned Public Prosecutor (Puducherry) for the Second and Third Respondents.

4.The learned counsel for the Petitioner would submit that even though the dismissal of the bail petition in Cr. M.P. No. 153 of 2019 has been mentioned in the detention order, the same has not been supplied to the detenu, which vitiates the detention order. Though the learned Public Prosecutor (Puducherry) would oppose the allowing of the Petition, he cannot deny the fact about the non-service of aforesaid dismissal order in the booklet supplied to the detenu, which vitiates the detention order. Therefore, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Third Respondent in Memorandum No. 13/DM/RO/D2/PPASAA/2019 dated 31.10.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Logu @ Loganathan S/o.Murugan, aged about 30 years, who is now confined at Central Prison, Kalapet, Puducherry, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs (Department of internal security),
North Block,
New Delhi.
2. The Additional Secretary to Government (Home),
Government of Puducherry,
Chief Secretariat,
Gubert Avenue,
Pondicherry.
3. The District Magistrate-Cum-Authorized Officer,
No. 3rd Floor, Vazhudhavoar Road,
Kavundanpalayam, Pondicherry.
4. The Superintendent of Prison,
Central Prison,
Kalapet,
Puducherry.
5. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.195 of 2020

RSV(CO)
SP(30/07/2020)

सत्यमेव जयते

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