

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM :

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

H.C.P.No.431 of 2020

Maheswari ... Petitioner/Mother of the detenu

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, Vazhudhavor 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.19/DM/RO/D2/PPASAA/2019 dated 28.12.2019 passed by the 3rd Respondent, whereby detaining the petitioner's son namely Vicky Roy @ Vicky S/o.Late Segar @ John Marie Villeroy (Age-26), under the Puducherry Prevention of Anti Social Activities Act, 2008 and detaining him at Central Prison, Kalapet, Puducherry.

For Petitioner : Mr.Prakash Adipadham.

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

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

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Mother of the detenu has filed this Petition challenging the detention order passed by the Third Respondent in Memorandum No.19/DM/RO/D2/PPASAA/2019 dated 28.12.2019 under the Puducherry Prevention of Anti Social Activities Act, 2008.

3.Heard Mr.Prakash Adipadham, learned Counsel appearing for the Petitioner, Mr.S.S.Pajaniradja, learned Central Government Panel Counsel for R1 and Mr.Bharatha Chakravarthy, learned Public Prosecutor (Pondicherry) appearing for the Respondents 2 and 3.

4.It is seen from the records that two pages referred in the grounds of detention occurring in Page Numbers 27 and 30 of the booklet are illegible. Further, the Additional information placed before the District Collector has also not been supplied to the detenu in the booklet furnished to him and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Third Respondent in Memorandum No.19/DM/RO/D2/PPASAA/2019 dated 28.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Vicky Roy @ Vicky S/o.Late Segar @ John Marie Villeroy (Age-26), who is 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.

Sd/-

Assistant Registrar(CS-VI)

//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, Vazhudhavor 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.431 of 2020

SAI (CO)
GMY (14/08/2020)