

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 840 of 2020

Devi

... Petitioner

-vs-

1. The State of Tamil Nadu
Rep. By its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
2. The District Collector and
District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
4. The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
5. The Superintendent,
Special Prison for Women, Vellore.

... 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 made in D.O.No.13/2020-C2 dated 03.03.2020 passed by the District Collector and District Magistrate, Thiruvannamalai District, Thiruvannamalai, the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Thirumathi.Subhashini, wife of (Late) Pandiyan, aged 46 years, now confined in Special Prison for Women, Vellore and set her at liberty.

For Petitioner : Mr.R.Balakrishnan

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 mother of Subhashini, wife of (Late) Pandiyan, female, aged 46 years,, who is the detainee. The detainee has been detained by the second respondent in connection with order in D.O.No.13/2020-C2 dated 03.03.2020, holding her to be a "Drug Offender", as contemplated under Section 2(e) 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 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 detainee, has not furnished the legible copies of the documents relied on by him. This deprived the detainee 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 the remand report pertaining to the similar case at Page Nos. 70 and 71 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detainee 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 D.O.No.13/2020-C2 dated 03.03.2020 passed by the second respondent is set aside. The detainee,

namely, Subhashini, wife of (Late) Pandiyan, female, aged 46 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
- 2.The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Superintendent of Police,
Thiruvannamalai District, Thiruvannamalai.
- 4.The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
- 5.The Superintendent,
Special Prison for Women, Vellore
- 6.The Public Prosecutor,
High Court, Madras. सत्यमेव जयते
- 7.The Joint Secretary to Government
Public (Law & Order)
Fort St.George, Chennai-09.

PP(CO)
RMP(07/12/2020)

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