

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.897 OF 2020

Arasaiye

.. Petitioner

Vs.

1. The District Magistrate Cum Authorised Officer,
District Collector, Pettaiyan Chathiram,
Valudavur Road, Puducherry -605 502.
2. The Special Secretary to Government,
Home Department, Chief Secretariat,
Gubert Avenue, Puducherry.
3. The Superintendent of Central Prison,
Kalapet, Puducherry.
4. The Inspector of Police,
Kirumampakkam Police Station,
Puducherry.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in connection with the order of Detention passed by the first respondent in Detention No.12/DM/RO/D2/PPASAA/2020, dated 20.05.2020 against the detenu A.Amudhan, son of Arumugam confined at Central Prison, Kalapet and set aside the same, consequently direct the respondents to produce the body of the detenu before this Court and set him at liberty.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.D.Bharatha Chakravarthy
Public Prosecutor (Puducherry)

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the father of A.Amudhan, son of Arumugam, aged about 33 years, who is the detenu. The detenu has been detained by the first respondent by his order in No.12/DM/RO/D2/PPASAA/2020, dated 20.05.2020, holding him to be a "Dangerous Person", as contemplated under Section 3(1) of the Puducherry Prevention of Anti-Social Activities Act, 2008. 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 Public Prosecutor (Puducherry) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the additional information placed before the detaining authority in respect of the crime committed by the detenu in the State of Tamil Nadu has not been furnished to the detenu, which caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. A perusal of the booklet would go to show that the abovementioned additional information placed before the detaining authority has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above materials would obviously deprive of his opportunity to make effective representation and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.12/DM/RO/D2/PPASAA/2020, dated 20.05.2020, passed by the first respondent is set aside. The detenu, namely, A.Amudhan, son of Arumugam, aged about 33 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

mmi/ssm

To

1. The District Magistrate Cum Authorised Officer,
District Collector, Pettaiyan Chathiram,
Valudavur Road, Puducherry -605 502.
2. The Special Secretary to Government,
Home Department, Chief Secretariat,
Gubert Avenue, Puducherry.
3. The Superintendent of Central Prison,
Kalapet, Puducherry.
4. The Inspector of Police,
Kirumampakkam Police Station,
Puducherry.
5. The Joint Secretary to Government,
Public Law & Order, Secretariat,
Chennai-9.
6. The Public Prosecutor,
Puducherry.

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.42725

H.C.P.No.897 of 2020

MG (CO)
CS/21/01/2021



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