

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

Coram

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

**H.C.P. No. 933 of 2020**

Gandhimathi

.. Petitioner

Vs.

1. Government of Tamil Nadu,  
Rep.by its Secretary,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate,  
Cuddalore District.
3. The Superintendent of Police,  
Cuddalore District.
4. The Superintendent,  
Central Prison, Cuddalore.
5. The Inspector of Police,  
Neyveli Township Police Station,  
Cuddalore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in Detention Order passed in C3/D.O/55/2020 dated 15.05.2020 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the body of petitioner's son Thiru.Veeramani, male aged 22 years now confined in Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner : Mr.A.Gopinath

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 Veeramani, S/o.Natesan, male, aged 22 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O/55/2020 dated 15.05.2020, holding him to be a "Goonda", as contemplated under Section 2(f) 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 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 detenu, has not furnished the legible copies of the

documents relied on by him. This deprived the detenu 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 first adverse case observation mahazar at Page No.6 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu 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 C3/D.O/55/2020 dated 15.05.2020, passed by the second respondent is set aside. The detenu, namely, Veeramani, S/o. Natesan, male, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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(M.M.S.,J.) (D.K.K.,J.)  
23.11.2020

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mmi/ssm

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To

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,  
Cuddalore District.
- 3.The Superintendent of Police,  
Cuddalore District.
- 4.The Superintendent,  
Central Prison, Cuddalore.
- 5.The Inspector of Police,  
Neyveli Township Police Station,  
Cuddalore District.
- 6.The Public Prosecutor,  
High Court, Madras.



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**M.M.SUNDRESH, J.  
and  
D.KRISHNAKUMAR, J.**

mml/ssm



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