

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

Coram

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

H.C.P. No. 1012 of 2020

Porkodi

.. Petitioner

Vs.

1.State of Tamil Nadu

Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector-cum-District Magistrate
of Ranipet, Ranipet District.

3.The Superintendent of Police,
Ranipet District, Ranipet.

4.The Inspector of Police,
Avalur Police Station,
Ranipet District.

5.The Superintendent,
Central Prison, Vellore.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records, relating to the petitioner's son detention under Tamil nadu Act 14 of 1982 vide detention order, dated 04.06.2020 on the file of the second respondent herein made in proceedings B3/D.O.No.52/2020 and quash the same as illegal and consequently direct the respondents herein to procure the said petitioner's son namely Bala, son of Sivasankaran, aged 27 years before this Court and set the petitioner's son at liberty from detention, now petitioner's son detained at Central Prison, Vellore.

For Petitioner

.. Mr.M.Mohamed Saifullah
for Mr.C.C.Chellappan

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 Bala, son of Sivasankaran, aged 27 years, who is the detenu. The detenu has been detained by the second respondent by his order in B3/D.O.No.52/2020 dated 04.06.2020, holding 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 similar case bail order pertaining to ground case at Page No.99 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 B3/D.O.No.52/2020 dated 04.06.2020, passed by the second respondent is set aside. The detenu, namely, Bala, son of Sivasankaran, aged 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ssm

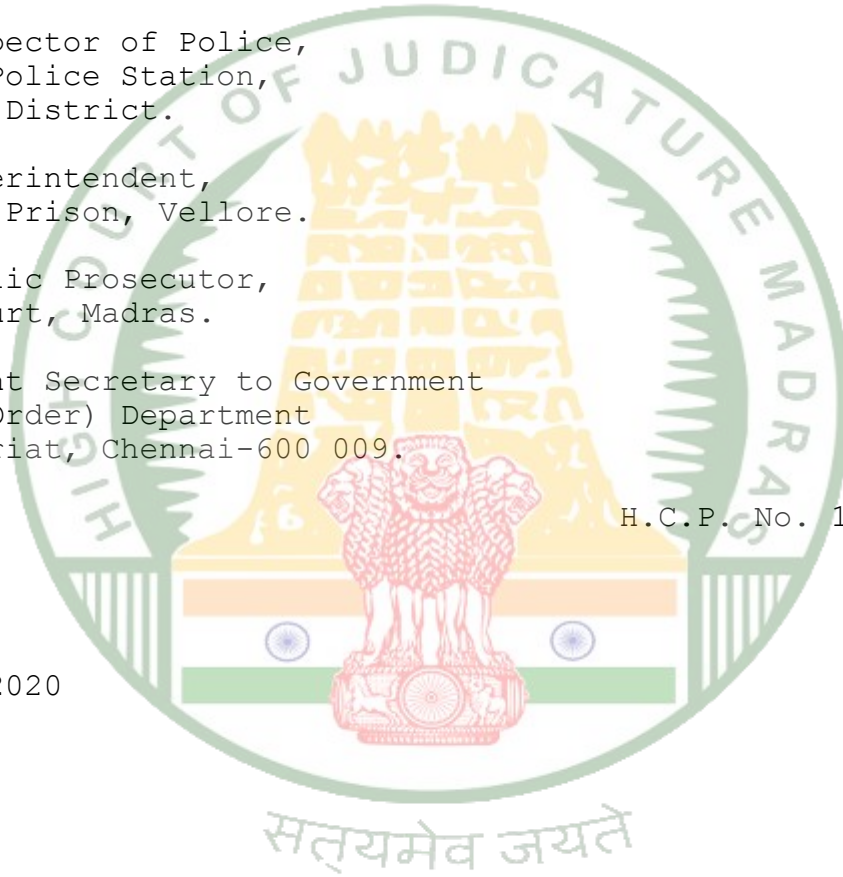
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector-cum-District Magistrate
of Ranipet, Ranipet District.
- 3.The Superintendent of Police,
Ranipet District, Ranipet.
- 4.The Inspector of Police,
Avalur Police Station,
Ranipet District.
- 5.The Superintendent,
Central Prison, Vellore.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government
(Law & Order) Department
Secretariat, Chennai-600 009.

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CP (CO)

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