

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.No.1079 of 2020

PADMAVATHY

... Petitioner

vs

1.THE SECRETARY TO GOVERNMENT, ... Respondents

GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
DEPARTMENT OF INTERNAL SECURITY,
NORTH BLOCK, NEW DELHI - 110 001.

2.THE LIEUTENANT GOVERNOR,
RAJNIVAS, PUDUCHERRY.

3.THE DISTRICT MAGISTRATE-CUM-AUTHORISED OFFICER,
OFFICE OF THE DISTRICT MAGISTRATE,
1 st FLOOR, VAZHADHAVOOR ROAD,
KAVUNDANPALAYAM, PUDUCHERRY- 605 009

4.THE SUPERINTENDENT OF POLICE (EAST),
PUDUCHERRY

5.THE CHIEF SUPERINTENDENT OF JAIL,
CENTRAL PRISON, KALAPET, PUDUCHERRY.

6.THE STATION HOUSE OFFICER,
MUTHIALPET POLICE STATION, PUDUCHERRY

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records relating to the detention order in No. 09/DM/RO/D2/PPASAA/2020, dated 21.02.2020 passed by the 3rd respondent under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2010) and set aside the same and direct the respondent to produce the petitioner's son MANIMARAN @ MANI @ DOOM MANI S/O. FERNANDEZ aged about 31 years the detainee, now confined in Central Prison, Kalapet, Puducherry before this Hon'ble court

and set the petitioner's son MANIMARAN @ MANI @ DOOM MANI S/O. FERNANDEZ aged about 31 years the detenu herein at liberty.

For Petitioner : Mr.Mohammed Saifulla for
Mr.D.Gopikrishnan

For Respondents : Mr.D.Bharathachakravathy
: Public Prosecutor (Pondy) for
R2 to R6

ORDER

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

The petitioner is the mother of Manimaran @ Mani @ Doom Mani, S/o.Fernandez, aged about 31 years, who is the detenu. The detenu has been detained by the third respondent by his order in No. 09/DM/RO/D2/PPASAA/2020, dated 21.02.2020, holding him to be a "Dangerous Person", as contemplated under sub section (2) of Section 3 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 the 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 additional information in the bail petition was not served to the detenu. 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 of the booklet, it is clear that the additional information in the bail petition was not served to the detenu. Thus the impugned detention order is liable to be set aside on this ground.

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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.09/DM/RO/D2/PPASAA/2020, dated 21.02.2020, passed by the third respondent is set aside. The detenu, namely, Manimaran @ Mani @ Doom Mani, S/o.Fernandez, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

ssm

To

- 1.THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
DEPARTMENT OF INTERNAL SECURITY,
NORTH BLOCK, NEW DELHI - 110 001.
- 2.THE LIEUTENANT GOVERNOR,
RAJNIVAS, PUDUCHERRY.
- 3.THE DISTRICT MAGISTRATE-CUM-AUTHORISED OFFICER,
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PUDUCHERRY
- 5.THE CHIEF SUPERINTENDENT OF JAIL,
CENTRAL PRISON, KALAPET, PUDUCHERRY.
- 6.THE STATION HOUSE OFFICER,
MUTHIALPET POLICE STATION, PUDUCHERRY
- 7.The Public Prosecutor,
Puducherry.

H.C.P.No.1079 of 2020

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UM (16.12.2020)