



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice P.T.ASHA

H.C.P.No.2646 of 2019

Sri Rangammal ...Petitioner/Mother of detenue
-vs-

- 1.The State of Tamil Nadu
rep. by its Secretary of Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section), Vepery,
Chennai District. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 29.07.2019 on the file of the second respondent in pursuance of his order No.441/BCDFGISSSV/2019 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Thiru.Mani & Manikandan, S/o.Andiyappan, aged 26 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison II, Puzhal, Chennai.

For Petitioner .. Mr.T.Meganathan
For Respondents .. Mr.R.Prathap Kumar,
Addl. Public Prosecutor



ORDER

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

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The petitioner is the mother of the detenu Mani & Manikandan, S/o.Andiyappan, aged 26 years. The detenu has been detained by the second respondent by his order in No.441/BCDFGISSSV/2019 dated 29.07.2019, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 seizure mahazar at Page No.150 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 No.441/BCDFGISSSV/2019 dated 29.07.2019, passed by the second respondent is set aside. The detenu, namely, Mani & Manikandan, S/o.Andiyappan, aged 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi/ms



To

- 1.The State of Tamil Nadu
rep. by its Secretary of Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section), Vepery,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Joint Secretary to Government
Public Law & Order
Fort St.George Chennai-9
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2646 of 2019

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