

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM

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

H.C.P. No. 2874 of 2019

Anand

.. Petitioner

Vs.

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,
Office of the District Magistrate,
1st Floor Vazhadvavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

.. Respondents

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.11/DM/RO/D2/PPASAA/2019, dated 25.10.2019 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 brother ARUL @ ARUL PRAKASH S/o SELVAM aged about 27 years the detenu herein, now confined in Central Prison, Kalapet, Puducherry before this Hon'ble Court and set the petitioner's brother ARUL @ ARUL PRAKASH S/O SELVAM aged about 27 years the detenu herein at liberty.

For Petitioner : Mr.U.Yuvaraj

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

ORDER

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

The petitioner is the brother of Arul @ Arul Prakash S/o Selvam aged about 27 years, who is the detenu. The detenu has been detained by the third respondent by his order in No.11/DM/RO/D2/PPASAA/2019 dated 12.11.2019, holding him to be a "Dangerous Person", as contemplated under the provisions of Puducherry Prevention of Anti Social Activities Act, 2008 (Act No.10 of 2010). 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 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 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. Accordingly, the impugned detention order passed by the third respondent, detaining the detenu, namely, Arul @ Arul Prakash S/o Selvam aged about 27 years, made in No.11/DM/RO/D2/PPASAA/2019, dated 25.10.2019 is quashed and the Habeas Corpus Petition is allowed. The above named detenu, who is detained in the Central Prison, Kalapet, Puducherry is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(AD I)MDU

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Sub Assistant Registrar

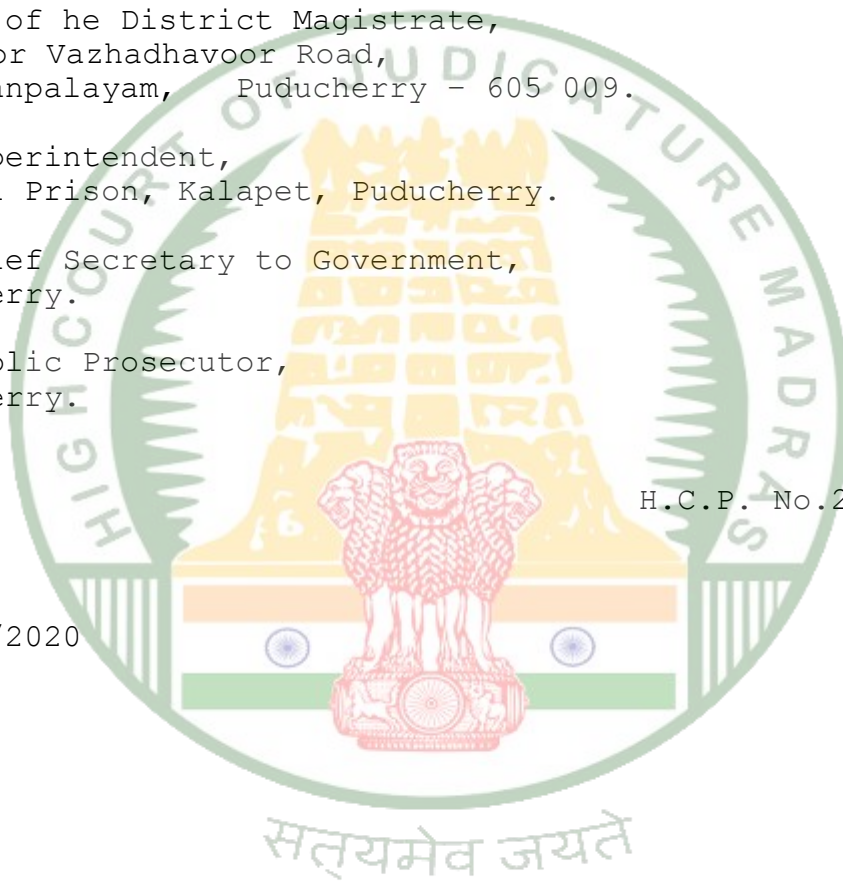
raa/mmi/ssm

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 Secretary to Lieutenant Governor,
Rajnivas, Puducherry.
3. The District Magistrate-Cum-Authorised Officer,
Office of the District Magistrate,
1st Floor Vazhadvavoor Road,
Kavundanpalayam, Puducherry - 605 009.
4. The Superintendent,
Central Prison, Kalapet, Puducherry.
5. The Chief Secretary to Government,
Puducherry.
6. The Public Prosecutor,
Puducherry.

H.C.P. No.2874 of 2019

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