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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.157 of 2021

Anandavalli

.. Petitioner

Vs.

1. Government of Tamil Nadu represented by
The Additional Chief Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and
District Magistrate,
Nagapattinam District, Nagapattinam.
3. The Superintendent of Central Prison,
Tiruchirappalli.
4. The Superintendent of Police,
Nagapattinam District.
5. The Inspector of Police,
Voimedu Police Station,
Vedaraniyam Taluk,
Nagapattinam District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent in C.O.C.No.63/2020 dated 19.12.2020 against the petitioner's son Manikandan, son of Panneerselvam, aged about 23



years, who is confined in Central Prison, Tiruchirappalli and set aside the same and direct the respondents to produce him before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.R.Muniyapparaj,
Govt.Advocate
(Crl.Side)

ORDER

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the mother of the detenu Manikandan, son of Panneerselvam, aged about 23 years. The detenu has been detained by the second respondent by his order in C.O.C.No.63/2020 dated 19.12.2020, 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 Government Advocate (Crl.Side) appearing for the respondents and we have also perused the records carefully.

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 Form No.91 at Page No.83 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.O.C.No.63/2020 dated 19.12.2020, passed by the second respondent is set aside. The detenu, viz., Manikandan, son of Panneerselvam, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Additional Chief Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and
District Magistrate,
Nagapattinam District, Nagapattinam.
3. The Superintendent of Central Prison,
Tiruchirappalli.
4. The Superintendent of Police,
Nagapattinam District.
5. The Inspector of Police,
Voimedu Police Station,
Vedaraniyam Taluk,
Nagapattinam District.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.S.Senthil, Advocate, S.R.No.34619

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VSN-II (CO)
SU(22/07/2021)