



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.NO.150 OF 2021

Aruna @ Muniammal

..Petitioner

Vs.

1. The Union of India represented by,
The Secretary to Government,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 100 001.
2. The Union Territory of Puducherry,
represented by the Secretary to Government,
Home Department, Secretariat, Puducherry.
3. The District Magistrate-cum-Authorized Officer,
1st Floor, New Revenue Complex,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry - 605 009.
4. The Superintendent of Police (East),
Puducherry.
5. The Inspector of Police,
Muthialpet Police Station,
Puducherry.
6. The Chief Superintendent of Prison,
Central Prison, Kalapet,
Puducherry.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records from the 3rd respondent in connection with the order in Memo No.21/DM/RO/D2/PPASAA/2020 dated 24.12.2020 and quash the same and produce the petitioner's son Arunkumar @ Arun, aged about 20 years, son of Gunasegaran, now confined in Central Prison, Kalapet, Puducherry, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.Swamisubramanian

For R1 : Mr.S.S.Padani Radja
Special Central Govt.
Senior Counsel

For RR 2 to 6 : Mr.V.Balamurugane
Additional Public
Prosecutor (Puducherry)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the mother of the detenu Arunkumar @ Arun, aged about 20 years, son of Gunasegaran. The detenu has been detained by the third respondent by his order in Memo No.21/DM/RO/D2/PPASAA/2020 dated 24.12.2020, holding him to be a "Dangerous Person", as contemplated under Section 3(1) of the 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, the learned Special Central Government Senior Counsel appearing for the 1st respondent and the learned Additional Public Prosecutor (Puducherry) appearing for the respondents 2 to 6. 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 remand order pertaining to the ground case 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 remand order pertaining to the ground case 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.21/DM/RO/D2/PPASAA/2020 dated



24.12.2020, passed by the third respondent is set aside. The detenu, viz., Arunkumar @ Arun, aged about 20 years, son of Gunasegaran, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Union of India, Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 100 001.
2. The Secretary to Government,
Union Territory of Puducherry,
Home Department, Secretariat, Puducherry.
3. The District Magistrate-cum-Authorized Officer,
1st Floor, New Revenue Complex,
Vazhudavoor Road, Pettaiyanchathiram,
Puducherry - 605 009.
4. The Superintendent of Police (East),
Puducherry.
5. The Inspector of Police,
Muthialpet Police Station,
Puducherry.
6. The Chief Superintendent of Prison,
Central Prison, Kalapet, Puducherry.
7. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
8. The Public Prosecutor,
High Court, Madras.

H.C.P.No.150 of 2021

KV(CO)
RGA(23/07/2021)