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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.521 of 2021

Manonmani .. Petitioner/Grantd Mother of the
detenue

Vs.

1.State of Tamil Nadu represented by
The Secretary, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.

4.The Inspector of Police,
P-5, M.K.B. Nagar Police Station,
Chennai.

.. 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 Memo No.56/BCDFGISSSV/2021 dated 22.02.2021 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's grandson Sathishkumar @ Aaraichi, S/o.Palraj, aged about 24 years, the detenu, now



confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's grandson Sathishkumar @ Aaraichi, S/o.Palraj, aged about 24 years, the detenu herein, at liberty.

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For Petitioner : Mr.S.Rajesh

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

ORDER

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

The petitioner is the grandmother of the detenu Sathishkumar @ Aaraichi, S/o.Palraj, aged about 24 years. The detenu has been detained by the second respondent by his order in Memo No.56/BCDFGISSSV/2021 dated 22.02.2021, 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. 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 Form No.91 pertaining to a similar case at Page No.154 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 Memo No.56/BCDFGISSSV/2021 dated 22.02.2021, passed by the second respondent is set aside. The



detenu, viz., Sathishkumar @ Aaraichi, S/o.Palraj, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd
To

- 1.The Secretary, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
- 4.The Inspector of Police,
P-5, M.K.B. Nagar Police Station,
Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.521 of 2021

PVS(CO)
A.SK(20.09.2021)