



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

Coram

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

H.C.P.No.633 of 2021

Deepika

...Petitioner

Vs.

1. The Chief Secretary to Government
of Puducherry,
Union of Puducherry,
Chief Secretariat, Puducherry.
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 of Police, (South),
Puducherry.
5. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
6. The Station House Officer,
Thavalakuppam Police Station,
Puducherry.

...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.10/DM/RO/D2/PPASAA/2021 dated 25.03.2021 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 husband Rajasegar, S/o.Nagamuthu, aged about 28 years, the detenu, now confined in the Central Prison, Kalapet, Puducherry, before this Court and set the petitioner's



husband Rajasegar, S/o.Nagamuthu, aged about 28 years, the detenu herein, at liberty.

For Petitioner : Mr.D.Gopi Krishnan

For Respondents : Mr.V.Balamurugane
Additional Public
Prosecutor (Puducherry)

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ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the wife of the detenu Rajasegar, S/o.Nagamuthu, aged about 28 years. The detenu has been detained by the third respondent by his order in Memo No.10/DM/RO/D2/PPASAA/2021 dated 25.03.2021, 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 and the learned Additional 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 arrest memo 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 arrest memo 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.10/DM/RO/D2/PPASAA/2021 dated 25.03.2021, passed by the third respondent is set aside. The



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detenu, viz., Rajasegar, S/o.Nagamuthu, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Chief Secretary to Government
of Puducherry,
Union of Puducherry,
Chief Secretariat, Puducherry.
2. The Secretary to Lieutenant Governor,
Rajnivas, Puducherry.
3. The District Magistrate-cum-Authorised Officer,
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4. The Superintendent of Police, (South),
Puducherry.
5. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
6. The Station House Officer,
Thavalakuppam Police Station,
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.

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NSK 08/10/2021