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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice S.SRIMATHY

H.C.P.No.650 of 2021

Bavithra

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

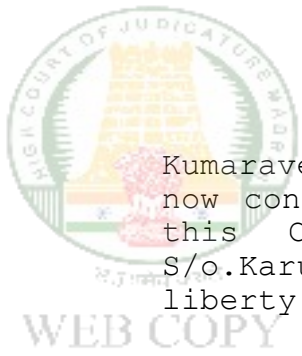
4.The Superintendent of Police, (South),
Puducherry.

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 calling for the records relating to the detention order in No.11/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 respondents to produce the petitioner's husband



Kumaravel, S/o.Karunamoorthy, aged about 28 years, the detenu, now confined in the Central Prison, Kalapet, Puducherry, before this Court and set the petitioner's husband Kumaravel, S/o.Karunamoorthy, aged about 28 years, the detenu herein at liberty.

For Petitioner : Mr.C.Elaimaran

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

ORDER

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

The petitioner is the wife of the detenu Kumaravel, S/o.Karunamoorthy, aged about 28 years. The detenu has been detained by the third respondent by his order in Memo No.11/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 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 Page Nos.48 and 53 containing FIR in Crime Nos.62 of 2012 & 37 of 2013, respectively, 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.11/DM/RO/D2/PPASAA/2021 dated 25.03.2021, passed by the third respondent is set aside. The detenu, viz., Kumaravel, S/o.Karunamoorthy, aged about 28 years,



is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

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//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,
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- 3.The District Magistrate
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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.

H.C.P.No.650 of 2021

AD(CO)
SB(15/11/021)