



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.627 OF 2021

Kalaipriya
W/o.Mayakrishnan

... Petitioner

.Vs.

1. State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
P-5, M.K.B.Nagar Police Station,
Chennai.
4. The Superintendent,
Central Prison,
Puzhal, Chennai.

... Respondents

PRAYER:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 13.03.2021 on the file of second respondent herein made in proceedings No.70/BCDFGISSSV/2021 and quash the same as illegal and consequently, direct the respondents herein to produce the detenu Mayakrishnan S/o.Munusamy, aged 30 years, before this Court, who is now detained at Central Prison, Puzhal, Chennai - 600 066 and set him at liberty.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



O R D E R

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

WEB COPY

The petitioner is the wife of the detenu, Mayakrishnan S/o.Munusamy, aged 30 years. The detenu has been detained by the second respondent by his order in No.70/BCDFGISSSV/2021 dated 13.03.2021 holding him to be a "Drug Offender", as contemplated under Section 2(e) 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 Additional Public Prosecutor 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 remand extension 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 was prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. A perusal of the booklet would go to show that the remand extension 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 material 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 No.70/BCDFGISSSV/2021 dated 13.03.2021, passed by the second respondent is set aside. The detenu, namely, Mayakrishnan S/o.Munusamy, aged 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
P-5, M.K.B.Nagar Police Station,
Chennai.
4. The Superintendent,
Central Prison,
Puzhal, 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.627 OF 2021

KSM(CO)
PBS/24/09/2021