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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

H.C.P.NO.768 OF 2021

S.Geetha

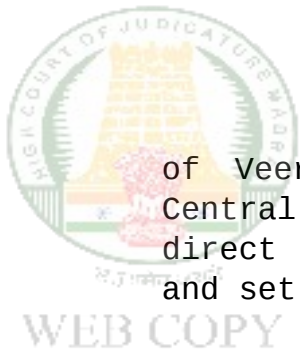
.. Petitioner

Vs.

1. The Secretary ,
The Lieutenant Governor,
Rajnivas,
Puducherry.
2. The District Magistrate
-cum-Authorized Officer,
Puducherry.
3. The Superintendent of Police, (West),
Puducherry.
4. The Inspector of Police,
Kandamangalam Police Station,
Puducherry.
5. The 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 calling for the records in connection with the order of detention passed by the second respondent dated 22.03.2021 in No.07/DM/RO/D2/PPASAA/2021 against the petitioner's husband Sathrock @ Sathraj @ Sath, son



of Veerasamy, aged about 30 years, who is confined at the Central Prison, Kalapet, Puducherry and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.P.Parthipan

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

ORDER

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

The petitioner is the wife of the detenu Sathrock @ Sathraj @ Sath, son of Veerasamy, aged about 30 years. The detenu has been detained by the second respondent by his order in Memo No.07/DM/RO/D2/PPASAA/2021 dated 22.03.2021, 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 many grounds have been raised in the petition, learned counsel appearing for the petitioner, confines his argument only in respect of non-application of mind on the part of the detaining authority in passing the order of detention. According to the learned counsel for the petitioner, no materials were placed before the detaining authority as to whether the detenu was in remand or otherwise at the time of clamping the detention order and the subjective satisfaction arrived at by the detaining authority is not proper. Therefore, the impugned order of detention is vitiated in law.

4. A perusal of the booklet would go to show that no materials were placed before the detaining authority as to



whether the detenu was in remand or otherwise at the time of clamping the detention order, which shows non-application of mind on the part of the detaining authority in passing the order of detention. The impugned detention order is therefore liable to be quashed.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.07/DM/R0/D2/PPASAA/2021 dated 22.03.2021, passed by the second respondent is set aside. The detenu, viz., Sathrock @ Sathraj @ Sath, son of Veerasamy, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

nsd

To

1. The Secretary ,
The Lieutenant Governor,
Rajnivas,
Puducherry.
2. The District Magistrate
-cum-Authorized Officer,
Puducherry.
3. The Superintendent of Police, (West),
Puducherry.
4. The Inspector of Police,
Kandamangalam Police Station,
Puducherry.
5. The Superintendent of Prison,
Central Prison, Kalapet,
Puducherry.



6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

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7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.768 of 2021

SR-II(CO)
RLP(12/11/2021)