

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.1825 of 2020

T.Meera

.. Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9

2.The District Collector and District Magistrate
Cuddalore District
Cuddalore

3.The Superintendent of Prison
Central Prison-Cuddalore
Cuddalore District-4

4.The Superintendent of Police
Cuddalore District
Cuddalore-1

5.The Inspector of Police
Nellikuppam Police Station
Cuddalore District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the entire records pertaining to the detention order passed by the 2nd respondent in C3/D.O/90/2020 dated 30.08.2020 and set aside the same and direct the respondents to produce the petitioner's son viz. Thamizhvanan, S/o.Thanickachalam, aged 23 years, who is now confined in Central Prison, Cuddalore, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.M.Vijayaragavan

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

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the mother of the detenu viz., Thamizhvanan, S/o.Thanikachalam, aged about 23 years. The detenu has been detained by the 2nd respondent by his order dated 30.08.2020 in C3/D.O/90/2020, 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 the learned counsel for the petitioner has raised several grounds to assail the order of detention, his main bone of contention is that the booklet containing the grounds of detention was served on the detenu 10 days after he was served with the detention order in prison and on this sole ground, the detention order is liable to be quashed. In other words, the detention order was served on the detenu on 30.08.2020, whereas, the booklet containing the grounds of detention was served on the detenu only on 09.09.2020, which infracts Section 8(1) of Act 14 of 1982. Hence, the impugned detention order stands vitiated and is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O/90/2020, dated 30.08.2020, passed by the 2nd respondent is set aside. The detenu viz., Thamizhvanan, S/o.Thanikachalam, aged about 23 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gya

Issue order copy by 23.06.2021

To

1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The District Collector and District Magistrate
Cuddalore District, Cuddalore

4.The Superintendent of Prison
Central Prison-Cuddalore
Cuddalore District-4

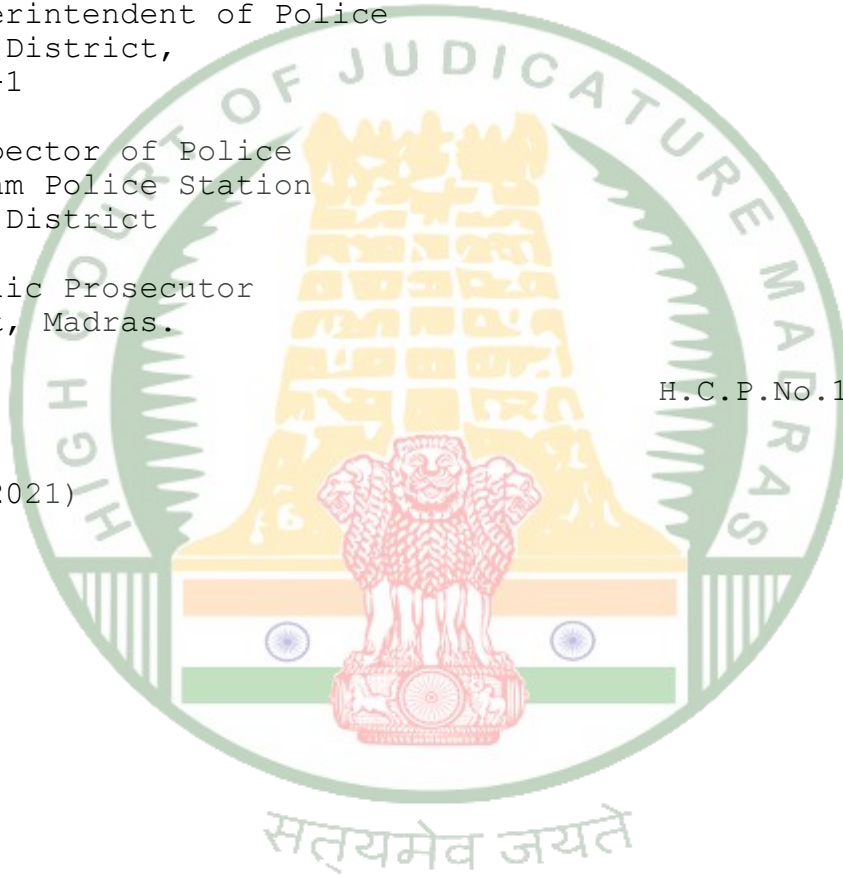
5.The Superintendent of Police
Cuddalore District,
Cuddalore-1

6.The Inspector of Police
Nellikuppam Police Station
Cuddalore District

7.The Public Prosecutor
High Court, Madras.

H.C.P.No.1825 of 2020

JPL (CO)
CB (24/06/2021)



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