

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.2138 of 2020

Selvam

.. Petitioner

Vs.

1.The Union of India,
represented by its
Secretary to Government,
Ministry of Home Affairs,
Department of Internal Security,
North Block,
New Delhi - 100 001.

2.The Union Territory of Puducherry,
represented by its
Secretary to Government,
Home Department,
Secretary,
Puducherry.

3.The District Magistrate-cum-
Authorized Officer,
1st Floor, New Revenue Complex,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry - 605 009.

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

5.The Inspector of Police,
Villianur Police Station,
Puducherry.

6.The Chief Superintendent of Jails,
Central Prison, Kalapet,
Puducherry.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the detention order dated 30.09.2020 in No.16/DM/RO/D2/PPASAA/2020 passed by the 3rd respondent and issue direction to produce the body of the detenu viz., Iyyanar @ Thaadi Iyyanar @ Rajadurai, aged about 26 years, son of Selvam, presently confined at Central Prison, Kalapet, Puducherry, before this Court and set him at liberty forthwith and quash the same.

For Petitioner : Mr.Swami Subramanian

For Respondents : Mr.D.Bharathachakravarthi
Public Prosecutor (Puducherry)

ORDER

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

The petitioner is the father of the detenu viz., Iyyanar @ Thaadi Iyyanar @ Rajadurai, aged about 26 years, son of Selvam. The detenu has been detained by the third respondent by his order in No.16/DM/RO/D2/PPASAA/2020 dated 30.09.2020, holding him to be a "Dangerous Person", as contemplated under sub-section (1) of Section 3 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 Public Prosecutor (Puducherry) appearing for the respondents and we have also perused the records carefully.

3. Though the 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 page nos.93 and 95 of the paper booklet has not been translated in vernacular language. 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, it is clear that the page nos.93 and 95 of the paper booklet has not been translated in vernacular language. 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 No.16/DM/RO/D2/PPASAA/2020 dated

30.09.2020, passed by the third respondent is set aside. The detenu, viz., Iyyanar @ Thaadi Iyyanar @ Rajadurai, aged about 26 years, son of Selvam, 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

nsd

To

- 1.The Secretary to Government,
Ministry of Home Affairs,
Department of Internal Security,
North Block,
New Delhi - 100 001.
- 2.The Secretary to Government,
Home Department,
Secretary,
Puducherry.
- 3.The District Magistrate-cum-
Authorized Officer,
1st Floor, New Revenue Complex,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry - 605 009.
- 4.The Superintendent of Police (West),
Puducherry.
- 5.The Inspector of Police,
Villianur Police Station,
Puducherry.
- 6.The Chief Superintendent of Jails,
Central Prison, Kalapet,
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.2138 of 2020

RP (CO)
GMY (17/06/2021)



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