



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

Coram

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

H.C.P.No.2158 of 2020

Sagunthala

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The District Magistrate and
District Collector,
Thiruvallur District, Thiruvallur.

3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.

4.The Superintendent of Police,
Central Prison II, Puzhal.

5.The Inspector of Police,
F-2, SIPCOT Police Station,
Thiruvallur District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the detention order dated 05.10.2020 passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.38/2020 and quash the same and direct the respondents herein to produce the petitioner's son Manigandan @ Mani @ Bonda Mani, son of Nandhan, aged about 28 years, who is presently undergoing detention in the Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Ms.G.Gayathri

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



ORDER

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

The petitioner is the mother of Siva, son of Manigandan @ Mani @ Bonda Mani, son of Nandhan, aged about 28 years, who is the detenu. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.38/2020 dated 05.10.2020, 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 and we have also perused the records carefully.

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 Form-91 pertaining to the ground case at Page No.93 of the booklet, 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 B.C.D.F.G.I.S.S.S.V.No.38/2020 dated 05.10.2020, passed by the second respondent is set aside. The detenu, viz., Manigandan @ Mani @ Bonda Mani, son of Nandhan, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsd



To

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The District Magistrate and
District Collector,
Thiruvallur District, Thiruvallur.

3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.

4.The Superintendent of Police,
Central Prison II,
Puzhal.

5.The Inspector of Police,
F-2, SIPCOT Police Station,
Thiruvallur District.

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

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2158 of 2020

PL(CO)
GN(20/07/2021)