

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH  
and

The Hon'ble Ms. Justice R.N.MANJULA

H.C.P. No.2269 of 2020

Rajeshwari

... Petitioner

-VS-

1. State of Tamil Nadu  
Rep. By the Secretary,  
Home Prohibition and Excise Department,  
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,  
The Greater Chennai City,  
Vepery, Chennai 600 007.
3. The Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai-600 066.
4. The Inspector of Police,  
K-10 Koyambedu Police Station,  
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records relating to the detention order in Memo No.409/BCDFGISSSV/2020, dated 13.10.2020 passed by the 2<sup>nd</sup> respondent under the TamilNadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's brother Prabakaran @ Thakkali Prabakaran S/o.Ravi aged about 23 years the detenu, now confined in Central Prison, Central Prison, Puzhal, Chennai, before the Court and set the petitioner's brother Prabakaran @ Thakkali Prabakaran S/o.Ravi aged about 23 years the detenu herein at liberty.

For Petitioner : Mr.U.Yuvaraj

For Respondents : Mr.R.Muniyapparaj

Government Advocate (Crl. Side)

ORDER  
(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner is the sister of Prabakaran @ Thakkali Prabakaran S/o.Ravi, aged about 23 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.409/BCDFGISSSV/2020, dated 13.10.2020, 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 (Criminal 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 other grounds to assail the order of detention, he has mainly focused his argument on the ground that the remand extension order has not been enclosed. 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 remand extension order has not been enclosed. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.409/BCDFGISSSV/2020, dated 13.10.2020 passed by the second respondent is set aside. The detenu, namely, Prabakaran @ Thakkali Prabakaran S/o.Ravi, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

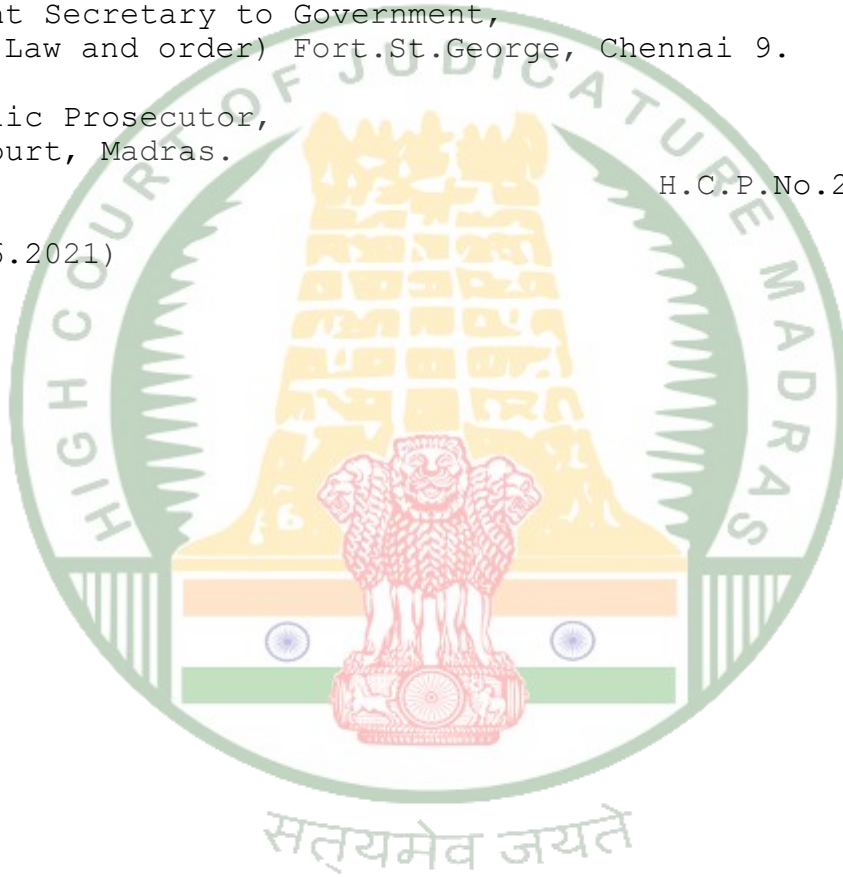
raa/Vv  
To

1. The Secretary,  
Home Prohibition and Excise Department,  
Fort St.George, Chennai 600 009.

2. The Commissioner of Police,  
The Greater Chennai City,  
Vepery, Chennai 600 007.
3. The Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai-600 066.
4. The Inspector of Police,  
K-10 Koyambedu Police Station,  
Chennai.
5. The Joint Secretary to Government,  
Public (Law and order) Fort.St.George, Chennai 9.
6. The Public Prosecutor,  
High Court, Madras.

H.C.P.No.2269 of 2020

rp (CO)  
A.SK(17.06.2021)



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