

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.2424 of 2020

A.Tamilarasi,
W/o.Anbazhagan

.... Petitioner /
Mother of the detenu

versus

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
 - 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),
Vepery, Chennai - 600 007.
 - 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
 - 4.The Inspector of Police,
T-14 Mangadu Police Station,
Chennai.
- Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records on the file of the second respondent in detention order No.422/BCDFGISSSV/2020 dated 20.10.2020 and direct the respondents to produce the detenu, namely, A.Arun, Male, aged 25 years, son of Anbalazhan, now confined at Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner : M/s.A.M.Amutha Ganesh
For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the mother of A.Arun, son of Anbalazhan, aged about 25 years, who is the detenu. The detenu

has been detained by the second respondent by his order in No.422/BCDFGISSSV/2020 dated 20.10.2020, 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 several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the remand extension order pertaining to the ground case has not been enclosed and not supplied to the detenu, which caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. A perusal of the booklet would go to show that the ground case remand extension order has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above materials would obviously deprive of his opportunity to make effective representation and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.422/BCDFGISSSV/2020 dated 20.10.2020, passed by the second respondent is set aside. The detenu, viz. A.Arun, son of Anbalazhan, aged about 25 years, 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

sri

To

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

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),
Vepery, Chennai - 600 007.

3.The Superintendent,
Central Prison, Puzhal,
Chennai.

4.The Inspector of Police,
T-14 Mangadu Police Station,
Chennai.

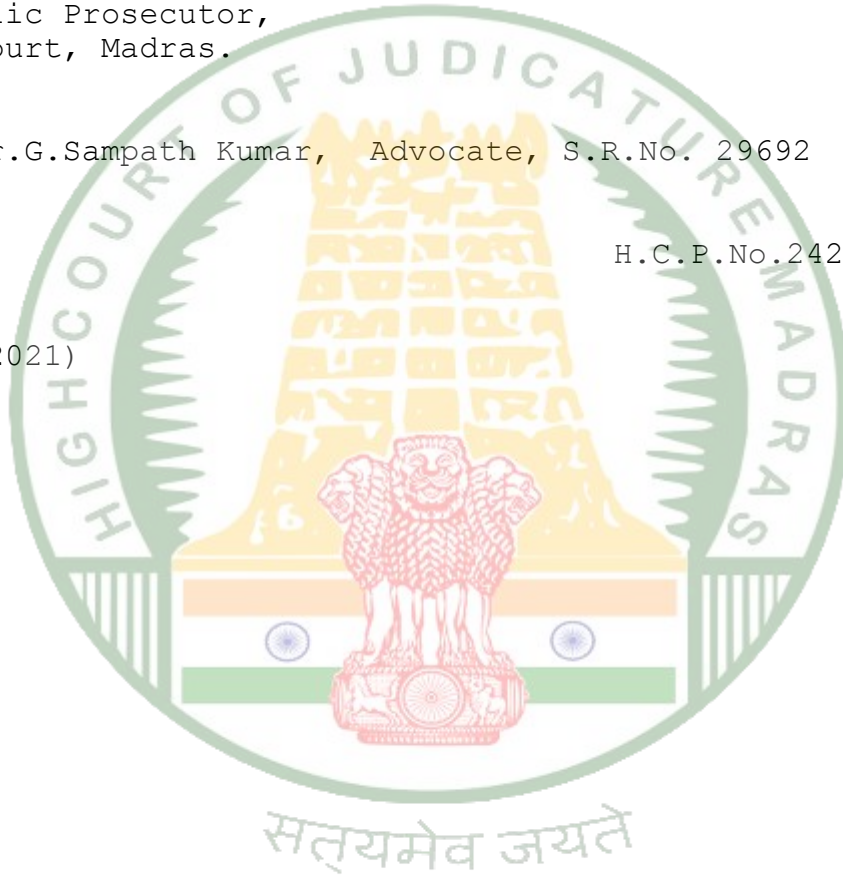
5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.

6.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.G.Sampath Kumar, Advocate, S.R.No. 29692

H.C.P.No.2424 of 2020

CP(CO)
GN(01/07/2021)



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