

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

Coram

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

H.C.P.No.2449 of 2020

Vijayalakshmi

.. Petitioner

Vs.

- 1.The Additional Chief Secretary to
the Government,
Home, Prohibition and Excise Department,
Chennai - 09.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.
- 3.The Director General of Police,
Tamil Nadu,
Chennai - 600 004.
- 4.The Superintendent of Police,
Prisons,
Chennai-600 004.
- 5.The Inspector of Police,
K-4, Anna Nagar Police Station,
Anna Nagar, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order passed by the 2nd respondent pertaining to the order made in Memo No.465/BCDFGISSSV/2020 dated 19.11.2020, detaining the detenu under 2(f) of Tamil Nadu Act 14 of 1982 as Goonda and quash the same and direct the respondents to produce the detenu Sarathbabu @ Joyi (TPDA No.2276), male, aged about 23 years, son of Ravikumar, who is detained in Central Prison, Puzhal, Chennai - 600 066, before this Court and set him at liberty.

For Petitioner : Mr.A.Arasu Ganeshan
For Respondents : Mr.R.Muniyapparaj
Govt.Advocate (Crl.Side)

ORDER

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

The petitioner is the mother of the detenu, Sarathbabu @ Joyi, male, aged about 23 years, son of Ravikumar. The detenu has been detained by the second respondent by his order in in Memo No.465/BCDFGISSSV/2020 dated 19.11.2020, holding to be a "Drug Offender", as contemplated under Section 2(e) 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 extension of interim orders in suo motu W.P. (MD).No.6126 of 2020 placed before the detaining authority has not been furnished 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 extension of interim orders in suo motu W.P.(MD).No.6126 of 2020 placed before the detaining authority 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.465/BCDFGISSSV/2020 dated 19.11.2020, passed by the second respondent is set aside. The detenu, viz., Sarathbabu @ Joyi, male, aged about 23 years, son of Ravikumar, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd
To

1.The Additional Chief Secretary to
the Government,
Home, Prohibition and Excise Department,
Chennai - 09.

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

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

4.The Director General of Police,
Tamil Nadu,
Chennai - 600 004.

5.The Superintendent of Prisons,
Central Prison, Puzhal
Chennai - 600 066

6.The Inspector of Police,
K-4, Anna Nagar Police Station,
Anna Nagar, Chennai.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2449 of 2020

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