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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.2500 of 2020

A.Ramkumar

... Petitioner

Vs.

1.The Secretary to Government
Government of India
Ministry of Home Affairs
Department of Internal Security
North Block, New Delhi 110 001

2.The Lieutenant Governor
Raj Nivas, Puducherry

3.The District Magistrate-cum-Authorised Officer
O/o.The District Magistrate
1st Floor, Vazhadvavoor Road
Kavundanpalayam, Puducherry 605 009

4.The Superintendent of Police (West)
Puducherry

5.The Chief Superintendent of Jail
Central Prison, Kalapet
Puducherry

6.The Station House Officer
Villianur Police Station
Puducherry

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records relating to the detention order in No.17/DM/RO/D2/PPASAA/2020 dated 20.11.2020 passed by the 3rd respondent under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2010) and set aside the same and direct the respondent to produce the petitioner's friend viz., Thadi Iyyanar @ Iyyanar, aged about 26 years, S/o.Sekar, now confined in Central Prison, Kalapet, Puducherry, before this Hon'ble Court and set him at liberty.



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For Petitioner: Mr.U.Yuvaraj

For R1 : Mr.S.S.Rajaniradjan
Sr. Panel Counsel, Central Government

For R2 to R5 : Mr.V.Balamurugane
Addl. Public Prosecutor (Puducherry)

O R D E R

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

The petitioner is the friend of the detenu viz., Thadi Iyyanar @ Iyyanar, aged about 26 years, S/o.Sekar. The detenu has been detained by the 3rd respondent by his order dated 20.11.2020 in No. 17/DM/RO/D2/PPASAA/2020, holding him to be a "DANGEROUS PERSON", as contemplated under sub-section (1) of Section 3 of Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 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 Additional Public Prosecutor (Puducherry) appearing for the respondents 2 to 5. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the remand report dated 17.11.2020 was not translated and the same 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 remand report dated 17.11.2020 was not translated and the same has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above material 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 17/DM/RO/D2/PPASAA/2020, dated 20.11.2020,



passed by the 3rd respondent is set aside.
The detenu viz., Thadi Iyyanar @ Iyyanar, aged about 26 years,
S/o.Sekar, is directed to be released forthwith, unless his
detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi 110 001.
- 2.The Lieutenant Governor,
Raj Nivas, Puducherry.
- 3.The District Magistrate-cum-Authorised Officer,
O/o.The District Magistrate,
1st Floor, Vazhadhavoor Road,
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Puducherry.
- 5.The Chief Superintendent of Jail,
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Puducherry.
- 6.The Station House Officer,
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Puducherry.
- 7.The Public Prosecutor,
High Court, Madras.

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