

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE C.SARAVANAN

H.C.P.No.2581 of 2020

Lakshmi

..Petitioner

Vs.

1.State of Tamil Nadu rep. by  
The Secretary  
Home, Prohibition and Excise Department  
Fort St. George, Chennai

2.The Commissioner of Police  
The Greater Chennai City  
Vepery, Chennai

3.The Superintendent of Prison  
Central Prison, Puzhal, Chennai-66

4.The Inspector of Police  
M-5 Ennore Police Station (Law and Order)  
Chennai

.. 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 Memo No.483/BCDFGISSSV/2020 dated 27.11.2020 passed by the 2<sup>nd</sup> respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Harish @ Karuppa, aged 23 years, S/o.Nelson, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's son at liberty.

For Petitioner : Mr.Rajadurai

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

O R D E R

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

The petitioner is the mother of the detenu viz., Harish @ Karuppa, aged 23 years, S/o.Nelson. The detenu has been detained by the 2<sup>nd</sup> respondent by his order dated 27.11.2020 in No. 483/BCDFGISSSV/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 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. The learned Government Advocate (Crl. Side) strongly opposed the habeas corpus petition by filing his counter.

5. A perusal of the booklet would go to show that the remand extension order pertaining to the ground case placed before the detaining authority 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 No.483/BCDFGISSSV/2020, dated 27.11.2020, passed by the 2<sup>nd</sup> respondent is set aside. The detenu viz., Harish @ Karuppa, aged 23 years, S/o.Nelson, is directed to be

released forthwith, unless his detention is required in connection with any other case.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

- 1.The Secretary  
Home, Prohibition and Excise Department  
Fort St. George, Chennai
- 2.The Joint Secretary to Government  
Public, Law and Order Department  
Secretariat, Chennai-9
- 3.The Commissioner of Police  
The Greater Chennai City  
Vepery, Chennai
- 4.The Superintendent of Prison  
Central Prison, Puzhal, Chennai-66
- 5.The Inspector of Police  
M-5 Ennore Police Station  
(Law and Order)  
Chennai
- 6.The Public Prosecutor  
High Court, Madras

+1cc to Mr.C. Prabakaran, Advocate, SR 32360

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KV(CO)  
RG(12/07/2021)