



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

HCP(MD)No.1017 of 2020

WEB COPY

R.Palraj : Petitioner/Father of the Detenu

Vs.

- 1.The State of Tamil Nadu  
rep. by Principal Secretary to Government  
Home Prohibition and Excise Department,  
Fort St. George, Chennai-9.
- 2.The District Collector and District Magistrate,  
Thoothukudi District, Thoothukudi.
- 3.The Inspector of Police,  
Kovilpatti East Police Station,  
Thoothukudi District.
- 4.The Superintendent,  
Central Prison,  
Palayamkottai.

: Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the proceedings of the 2<sup>nd</sup> respondent in H.S. (M)Confdl.No.47/2020, dated 24.07.2020 and quash the same and direct the respondents to produce the person or body of the detenu, Surendar, aged about 24 years, S/o.Palraj, now confined in Central Prison, Palayamkottai before this court and set him at liberty and pass such further or other orders.

For Petitioner : Mr.J.Ashok  
For Respondents : Mr.K.Dinesh Babu  
Additional Public Prosecutor

**O R D E R**

(Order of the Court was made by **G.ILANGO VAN, J**)

The petitioner is the father of the detenu, namely Surendar, aged 24 years. The detenu has been detained under the Tamil Nadu Act 14 of 1982, as per the order of the 2<sup>nd</sup> respondent, in his proceedings in H.S.(M)Confdl.No.47/2020, dated 24.07.2020, branding him as "Goonda". Challenging the same, the petitioner is before this court with this Habeas Corpus Petition.



2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and also perused the materials available on record.

3.Even though several grounds were raised on the side of the petitioner, during the course his argument, he concentrated only on the ground that the detenu, while furnishing copies of the documents has not given the legible and readable copies, which were annexed in page Nos.187, 189 and 230.

4.Perusal of the typed set shows that these documents were not readable and smudged. A representation has been made on behalf of the detenu through letter, dated 05.11.2020, wherein it has been mentioned that the documents supplied to the detenu were not readable and so clear copy may be supplied so that he can make a proper representation. In spite of the request, it appears that clean copies were not supplied to the detenu. As per the decision reported in the case of **G.Kalaiselvi Vs State of Tamilnadu and another (2007 (5) CTC 657)**, though the documents were supplied to the detenu, but were not readable and smudged, clean copies might have been supplied to him. Even at the time of hearing this petition, no explanation was offered by the State for non compliance of the request made on behalf of the detenu. The main purpose of supplying copies of the documents to the detenu along with the detention order is to give opportunity to the detenu to make proper representation.

5.In this case, the documents mentioned above are not readable and smudged and it will amount to denial of right to make a proper representation.

6.As mentioned earlier, the legible documents were not supplied to the detenu, even after especially a request has been made. On this ground, the detention order is liable to be quashed and accordingly, it is quashed.

7.In fine, the Habeas Corpus Petition is allowed. Consequently, the detenu is directed to be released forthwith, if his presence is not required in connection with any other case.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



dss

**Note:-**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary to Government  
Home Prohibition and Excise Department,  
Fort St. George,  
Chennai-9.
- 2.The District Collector and District Magistrate,  
Thoothukudi District, Thoothukudi.
- 3.The Inspector of Police,  
Kovilpatti East Police Station,  
Thoothukudi District.
- 4.The Superintendent,  
Central Prison,  
Palayamkottai.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Order  
made in  
HCP (MD) No.1017 of 2020  
03.02.2021

KM (18.02.2021) 3P 6C