



WEB COPY



H.C.P.No.792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.792 of 2022

Ulaganathan

.. Petitioner

Vs.

1.The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9

2.The District Collector and District Magistrate of
Tiruvannamalai District, Tiruvannamalai

3.The Superintendent of Police
Tiruvannamalai District, Tiruvannamalai

4.The Superintendent of Prison
Central Prison, Vellore

5.The Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai District

.. Respondents



H.C.P.No.792 of 2022

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in connection with the order of detention passed by the 2nd respondent 27.04.2022 in D.O.No.49/2022-C2 against the petitioner son Mathi @ Mithulan, male, aged about 23 years, S/o.Ulaganathan who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.Mohammed Saifullah
for Mr.D.Balaji

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the father of the detenu viz., Mathi @ Mithulan, aged about 23 years, S/o.Ulaganathan. The detenu has been detained by the 2nd respondent by his order dated 27.04.2022 in D.O.No.49/2022-C2, 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 Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.



H.C.P.No.792 of 2022

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially the 161 statement available at Page Nos.181 to 183 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus, the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in D.O.No.49/2022-C2 dated 27.04.2022, passed by the 2nd respondent is set aside. The detenu viz., Mathi @ Mithulan, aged about 23 years, S/o.Ulaganathan, is directed to be released forthwith, unless his detention is required in connection with any other case.

gya
Issue order copy by 07.11.2022

[P.N.P., J.] [T K R, J.]
04.11.2022



WEB COPY



H.C.P.No.792 of 2022

P.N.PRAKASH, J.

AND

RMT.TEEKAA RAMAN, J.

gya

To

1.The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The District Collector and District Magistrate of
Tiruvannamalai District, Tiruvannamalai

H.C.P.No.792 of 2022

4.The Superintendent of Police
Tiruvannamalai District, Tiruvannamalai

5.The Superintendent of Prison
Central Prison, Vellore

6.The Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai District

7.The Public Prosecutor
High Court, Madras

04.11.2022