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H.C.P.No.933 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.933 of 2022

P.M.Pandidurai

.. Petitioner

Vs

1.The Additional Chief Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Chennai – 600 009.

2.The Commissioner of Police
Greater Chennai

3.The Superintendent of Prison
Special Prison for Women
Puzhal, Chennai 66

4.The Inspector of Police
Team 7, Chit and Kandhuvatti
Central Crime Branch-I
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in connection with the order of detention passed by the 2nd respondent dated 13.04.2022 in Memo No.68/BCDFGISSSV/2022 against the petitioner's mother Shanmugasundari @ Sundari, aged 49 years, W/o.Mohan, who is confined at Special Prison for Women, Puzhal,



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Chennai and set aside the same and direct the respondents to produce the detenue before this Court and set her at liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the son of the detenue viz., Shanmugasundari @ Sundari, aged about 49 years, W/o.Mohan. The detenue has been detained by the second respondent by his order in No.68/BCDFGISSSV/2022 dated 13.04.2022, holding her 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. We have also perused the records produced by the Detaining Authority.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly



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focused his argument on the ground that the detaining authority, while detaining the detainee, has not furnished the legible copies of the documents relied on by her. This deprived the detainee 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 documents available at Page Nos.629 and 635 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detainee to effectively defend herself against her 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 No.68/BCDFGISSSV/2022 dated 13.04.2022, passed by the second respondent is set aside. The detainee, viz., Shanmugasundari @ Sundari, aged about 49 years, W/o.Mohan, is directed to be released forthwith unless her detention is required in connection with any other case.

(P.N.P., J.) (T K R, J.)
02.11.2022

nsd



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

nsd

To

1.The Additional Chief Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Chennai – 600 009.

2.The Commissioner of Police
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3.The Superintendent of Prison
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4.The Inspector of Police
Team 7, Chit and Kandhuvatti
Central Crime Branch-I
Chennai

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

6.The Public Prosecutor
High Court, Madras

02.11.2022