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H.C.P.No.972 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

Coram

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

H.C.P.No.972 of 2022

Rani

.. Petitioner

Vs

1.State of Tamil Nadu represented by
the Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai 600 009.

2.The Commissioner of Police,
Avadi City,
Chennai.

3.The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.

.. Respondents



H.C.P.No.972 of 2022

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14/1982 *vide* detention order dated 29.04.2022 on the file of the second respondent herein made in proceedings No.28/BCDFGISSSV/2022 and quash the same as illegal and consequently direct the respondent herein to produce the said petitioner's son *viz.* Premkumar @ Doom, son of Panneer, aged 21 years, before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at the Central Prison, Puzhal, Chennai – 600 066.

For Petitioner : Mr.C.C.Chellappan

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

ORDER

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

The petitioner is the mother of the detenu Premkumar @ Doom, son of Panneer, aged 21 years. The detenu has been detained by the second respondent by his order in No.28/BCDFGISSSV/2022 dated 29.04.2022, 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.



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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 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 Form-91 pertaining to the similar case at Page No.127 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in No.28/BCDFGISSSV/2022 dated 29.04.2022, passed by the second respondent is set aside. The detenu viz., Premkumar @ Doom, son of Panneer, aged 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
08.11.2022

Index: Yes/No
nsd



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To

1. Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police,
Avadi City,
Chennai.
3. The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison,
Puzhal,
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.



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and
RMT.TEEKAA RAMAN, J.

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