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H.C.P.No.1139 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

Coram

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

H.C.P.No.1139 of 2022

Raja

.. Petitioner

Vs

1.The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai – 600 119.

3.The Inspector of Police,
S-5, Pallavaram Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai – 600 066.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records connected with the order of the second respondent herein in BCDFGISSSV No.19/2022 dated 08.03.2022 passed against the petitioners brother the detenu viz. Arun Kumar @ Mannu Muttai, son of Ramu, aged about 22 years, who is confined at the Central Prison, Puzhal, Chennai and set aside the same, consequently directing the respondents herein to produce the body and person of the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.D.Magesh

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

ORDER

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

The petitioner is the brother of the detenu Arun Kumar @ Mannu Muttai, son of Ramu, aged about 22 years. The detenu has been detained by the second respondent by his order in Memo BCDFGISSSV No.19/2022 dated 08.03.2022, 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.



H.C.P.No.1139 of 2022

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 alteration report pertaining to a similar case at Page Nos.269 and 271 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.



H.C.P.No.1139 of 2022

WEB COPY

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo BCDFGISSSV No.19/2022 dated 08.03.2022, passed by the second respondent is set aside. The detenu, viz., Arun Kumar @ Mannu Muttai, son of Ramu, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
17.10.2022

Index: Yes/No
nsd



H.C.P.No.1139 of 2022

WEB COPY

To

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Office of the Commissioner of Police,
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- 3.The Inspector of Police,
S-5, Pallavaram Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai – 600 066.
- 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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