



HCP No.1209 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.1209 of 2022

Sankari
W/o.Rajendran

... Petitioner

Vs.

1.State of Tamil Nadu represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.

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

3.The Superintendent of Police,
Central Prison - Puzhal II,
Puzhal, Chennai.

4.The Inspector of Police,
M-2 Milk Colony Police Station,
Chennai.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in Memo No.33/BCDFGISSSV/2022 passed by the second respondent on 11.05.2022 on the file of the second respondent and quash the same as illegal and consequently, direct the respondents to produce the petitioner's son Sathishkumar @ Mookkunakki Sathishkumar S/o.Rajendran, aged about 24 years, before this Court, who is now detained in Central Prison, Puzhal-II and set him at liberty.

For Petitioner : Mr.A.Elumalai

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner is the mother of the detenu, Sathishkumar @ Mookkunakki Sathishkumar S/o.Rajendran, aged about 24 years. The detenu has been detained by the second respondent by his order in 33/BCDFGISSSV/2022 dated 11.05.2022, holding him to be a "Drug Offender", as contemplated under Section 2(e) 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. Learned counsel for petitioner submits that page No.7 in the booklet furnished to the detenu is illegible. Learned counsel further submits that the same adversely has affected the detenu's right of making an effective representation.

4. When the documents furnished to the detenu are illegible, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in 33/BCDFGISSSV/2022 dated 11.05.2022, passed by the second respondent is set aside. The detenu, viz., Sathishkumar @ Mookkunakki Sathishkumar S/o.Rajendran, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
28.11.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
- 2.The Commissioner of Police,
Avadi City, Avadi.
- 3.The Superintendent of Police,
Central Prison - Puzhal II,
Puzhal, Chennai.
- 4.The Inspector of Police,
M-2 Milk Colony Police Station,
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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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P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

gm

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