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H.C.P.No.1712 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1712 of 2022

S.Elangovan
Son of Sannasi

..... Petitioner

-Versus-

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, St. George Fort, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent of Prison,
Central Jail, Cuddalore.
- 5.The Inspector of Police,
Pennadam Police Station,
Cuddalore.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a



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Writ of Habeas Corpus calling for the records relating to the Detention Order vide C.3/D.O./16/2022 dated 17.05.2022 on the file of the Under Tamil Nadu Act 14/82 and quash the same and consequently direct the respondents to produce the person or body of the son of the petitioner viz., Rajadurai, aged 21 years S/o.Elangovan, now detained at Central Prison Cuddalore, and set him at liberty forthwith.

For Petitioner : Mr.K.Kesavan

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the father of the detenu viz., Rajadurai, S/o.Elangovan. The detenu has been detained by the second respondent by detention order vide C.3/D.O./16/2022 dated 17.05.2022 , 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.

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.



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3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused on the ground that inquest report in the ground case was not photocopied legibly and it was not readable. This deprived the detenu from making effective representation. Therefore, on this 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 inquest report pertaining to the ground case at Page No.83 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 C.3/D.O./16/2022 dated 17.05.2022 passed by the second respondent is set aside. The detenu viz., Rajadurai, aged 21 years S/o.Elangovan, is directed to be released forthwith unless his detention is



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required in connection with any other case.

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(P.N.P., J.) (N.A.V.,J.)
23..12..2022

Index: Yes/No
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To

- 1.The Secretary to the Government,
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- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police, Cuddalore District, Cuddalore.
- 4.The Superintendent of Prison, Central Jail, Cuddalore.
- 5.The Inspector of Police, Pennadam Police Station, Cuddalore.
- 6.The Joint Secretary to Government of Tamil Nadu, Public, Law and Order
Department, Secretariat, Chennai – 9.
- 7.The Public Prosecutor, High Court, Madras.



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AND
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