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H.C.P.No.1343 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15..12..2022

Coram

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

Habeas Corpus Petition No.1343 of 2022

Mrs.Sabina Mary

..... Petitioner

-Versus-

- 1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector and Magistrate,
Kallakurichi District,Kallakurichi.
- 3.The Inspector of Police,
Ulundurpet Police Circle,
Elavansoorkottai Police Station,
Kallakurichi District.
- 4.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
- 5.The Superintendent of Police,
Central Prison, Cuddalore,
Cuddalore.

.... 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 records in detention order in No. D.O No.C2/26/2022 dated 21.05.2022 dated 21.05.2022 on the file of the 2nd respondent herein and to quash the same and consequently direct the respondents herein to produce the body of the petitioner's son, the detenu viz., A.Justin Paulraj, aged 24 years, Son of Alphonse, now confined in central prison Cuddalore, before this court and set him at liberty forthwith.

For Petitioner : Mr.A.Vijayasankar

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

ORDER

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

The petitioner is the mother of the detenu viz., A.Justin Paulraj, Son of Alphonse. The detenu has been detained by the second respondent by his order in Detention Order in No.C2/26/2022 dated 21.05.2022 dated 21.05.2022 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.



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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 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 the detenu has been provided with an illegible copy of the complaint/petition. 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 complaint/petition at Page No.38 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.C2/26/2022 dated 21.05.2022 dated 21.05.2022, passed by the second respondent is set aside. The detenu viz., A.Justin Paulraj, Son of Alphonse, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
15..12..2022

Index: Yes/No
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Kallakurichi.
- 5.The Superintendent of Police,
Central Prison, Cuddalore,
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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