



HCP No.1630 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1630 of 2022

Palaniyammal
W/o.Thangavel

... Petitioner

Vs.

- 1.The State represented by
The Secretary to Government,
Government of Tamilnadu,
Home, Prohibition and Excise IX,
Secretariat, St.George Fort,
Chennai - 600 009.
- 2.The District Collector cum District Magistrate,
The District Collectorate,
Kallakurichi District.
- 3.The Superintendent of Police,
The Superintendent of Police Office,
Kallakurichi District.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.



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5. The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records of the second respondent with reference to detention order D.O.No.C2/16/2022 dated 12.04.2022, setting aside the order of detention passed therein and directing the respondents to produce the detenue, namely, Karthik S/o.Thangavel, aged about 30 years, before this Court, now detained at Central Jail, Cuddalore and set him at liberty.

For Petitioner : Mr.V.Gunasekar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the mother of the detenu, Karthik S/o.Thangavel, aged about 30 years. The detenu has been detained by the second respondent by his order in D.O.No.C2/16/2022 dated 12.04.2022, 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 learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for petitioner submits that page Nos.165 and 166 in the booklet furnished to the detenu are 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in D.O.No.C2/16/2022 dated 12.04.2022, passed by the second



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respondent is set aside. The detenu, viz., Karthik S/o.Thangavel, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
07.12.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Government of Tamilnadu,
Home, Prohibition and Excise IX,
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Chennai - 600 009.
- 2.The District Collector cum District Magistrate,
The District Collectorate,
Kallakurichi District.
- 3.The Superintendent of Police,
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- 5.The Inspector of Police,
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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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