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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

Coram

The Honourable Mr. Justice S.VAIDYANATHAN  
and  
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.2033 of 2021

Indira .. Petitioner/Mother of Detenue  
Vs.

1. The Secretary to Government,  
Government of Tamil Nadu (Home),  
Prohibition and Excise Department,  
Fort St.George, Chennai.
2. The District Collector and District Magistrate,  
Tirupathur District,  
Tirupathur.
3. The Superintendent of Police,  
Tirupathur District,  
Tirupathur.
4. The Superintendent,  
Central Prison,  
Vellore, Vellore District.
5. The Inspector of Police,  
Vaniyambadi Town Police Station,  
Vaniyambadi, Tirupathur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the impugned order C3/D.O.No.52/2021 dated 12.11.2021 on the file of the 2<sup>nd</sup> respondent herein and set aside the same as illegal and direct the respondents to produce viz., Chella @ Selvakumar, son of Mohanasundaram, aged about 25 years, now confined at the Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.G.Vinodhkumar

For Respondents : Mr.E.Raj Thilak  
Addl. Public Prosecutor



ORDER

S.VAIDYANATHAN, J.  
and  
A.D.JAGADISH CHANDIRA, J.

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The petitioner is the mother of the detenu Chella @ Selvakumar, son of Mohanasundaram, aged about 25 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.52/2021 dated 12.11.2021, 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.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the remand extension order pertaining to the ground case placed before the detaining authority has not been furnished to the detenu, which caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. A perusal of the booklet would go to show that the remand extension order pertaining to the ground case placed before the detaining authority has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above materials would obviously deprive of his opportunity to make effective representation and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.52/2021 dated 12.11.2021, passed by the second respondent is set aside. The detenu, viz., Chella @ Selvakumar, son of Mohanasundaram, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Secretary to Government,  
Government of Tamil Nadu (Home),  
Prohibition and Excise Department,  
Fort St.George,  
Chennai.
2. The District Collector and District Magistrate,  
Tirupathur District,  
Tirupathur.
3. The Superintendent of Police,  
Tirupathur District,  
Tirupathur.
4. The Superintendent,  
Central Prison,  
Vellore, Vellore District.
5. The Inspector of Police,  
Vaniyambadi Town Police Station,  
Vaniyambadi, Tirupathur District.
6. The Joint Secretary to Government of Tamil Nadu,  
Public, Law and Order Department,  
Secretariat, Chennai - 9.
7. The Public Prosecutor,  
High Court, Madras.

H.C.P.No.2033 of 2021

KV(CO)  
UMA(16/06/2022)