

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

Coram

The Honourable Mr. Justice PARESH UPADHYAY
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.2077 of 2021

Parithi @ Parithimarkalaingan

.. Petitioner/
Father of the detenu

Vs.

1. The Secretary to Lieutenant Governor,
Raj Nivas, Puducherry.
2. The District Magistrate
District Collectorate,
Pettaiyanchathiram,
Valudavur Road,
Puducherry - 605 009.
3. The Special Secretary to Government,
Home Department,
Chief Secretariat,
Goubert Avenue,
Puducherry - 605 001.
4. The Superintendent of Police (East),
Puducherry.
5. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order in No.22/DM/RO/D2/PPASAA/2021 on the file of the 2nd respondent dated 23.11.2021 quash the same and direct the respondents to produce the corpus of the detenu Jana @ Parimalazhagar, son of Parithi @ Parithimarkalaingan, who is kept in the Central Prison, Kalapet, Puducherry, before this Court and set him at liberty.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.V.Balamurugane
Addl. Public Prosecutor
(Puducherry)

ORDER

PARESH UPADHYAY, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner is the father of the detenu Parimalazhagar, son of Parithi @ Parithimarkalaingan, aged about 39 years. The detenu has been detained by the second respondent by his order in Memo No.22/DM/RO/D2/PPASAA/2021 dated 23.11.2021, holding him to be a "Dangerous Person", as contemplated under Section 3(1) of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010). 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 (Puducherry) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel for the petitioner would submit that the detention order lacks subjective satisfaction of the detaining authority and would further submit that in page no.3 paragraph no.2(h) of the grounds of detention order, the detaining authority has stated that there was credible information that the detenu is planning to eliminate the members of his rival group. However, there are no details furnished by the detaining authority in this regard. Therefore, the impugned order of detention is vitiated in law.

4. A perusal of the grounds of the detention order would go to show that no materials were placed by the detaining authority to substantiate the contentions made in paragraph no.2 (h) and the subjective satisfaction arrived at by the detaining authority is not proper. The impugned detention order is therefore liable to be quashed.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.22/DM/RO/D2/PPASAA/2021 dated

23.11.2021, passed by the second respondent is set aside. The detenu, viz., Parimalazhagar, son of Parithi @ Parithimarkalaingan, aged about 39 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd/31

To

1. The Secretary to Lieutenant Governor,
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Puducherry.
5. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
6. The Public Prosecutor,
Puducherry.

+1cc M/s.S.Doraisamy, Advocate S.R.No.38364 (28/06/2022)

H.C.P.No.2077 of 2021

GPL(CO)
CT/24/06/2022