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H.C.P.No.1987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Habeas Corpus Petition No.1987 of 2022

Kalidasan
Son of Hari Krishnan

..... Petitioner

-Versus-

- 1.The Chief Secretary to Government of Puducherry,
Union of Puducherry,
Chief Secretariat, Puducherry.
- 2.The Secretary to Lieutenant Governor,
Rajnivas, Puducherry.
- 3.The District Magistrate-cum-Authorised Officer,
Office of the District Magistrate,
District Collectorate,
Karaikal-609602.
- 4.The Superintendent of Police (North),
Karaikal.
- 5.The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.



H.C.P.No.1987 of 2022

6.The Inspector of Police,
Thirunallar Police Station,
Karaikal.

WEB COPY

.... 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 detention order in No.6051/DM/A3/PPASAA/2022/457 dated 25.01.2022 passed by the 3rd respondent under the Puducherry Prevention of Anti/Social Activities Act 2008 (Act 10 of 2010) and to set aside the same and direct the respondent to produce the Petitioner's brother MANIMARAN @ MANI, S/o. HARI KRISHNAN, aged about 28 years the detenu now confined in Central Prison Kalapet Puducherry before this Court and set the petitioner's brother MANIMARAN @ MANI, S/O. JHARI KRISHNAN, aged about 28 years, the detenu herein at liberty.

For Petitioner : Mr.U.Yuvaraj

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

ORDER

The petitioner is the brother of the detenu viz., Manimaran @ Mani Son of Hari Krishnan. The detenu has been detained by the third respondent by his order in No. 6051/DM/A3/PPASAA/2022/457 dated



H.C.P.No.1987 of 2022

25.01.2022, holding him to be a "Dangerous Person", as contemplated under sub-section (1) of Section 3 of the Puducherry Prevention of Anti-social Activities Act, 2008 (Act 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 Public Prosecutor (Puducherry) 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 particulars as to the date of arrest and date of remand were not furnished in the booklet. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.

4. On perusal of the order of detention and the grounds of detention, we find that there are bereft of even minimum particulars like, date of arrest



H.C.P.No.1987 of 2022

of the accused, his remand in judicial custody and whether he is likely to be released on bail. This deprived the detenu from making the effective representation. 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 No.6051/DM/A3/PPASAA/2022/457 dated 25.01.2022 passed by the third respondent is set aside. The detenu viz., MANIMARAN @ MANI S/o. HARI KRISHNAN aged about 28 years is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)
18..11..2022

Index: yes/no
kmk



H.C.P.No.1987 of 2022

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WEB COPY

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H.C.P.No.1987 of 2022

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