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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.426 of 2022

Pandiyaraja

... Petitioner/ Brother of Detenu

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Dindigul District,
Dindigul.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records in pursuant to the proceedings of the second respondent in Detention Order passed in No.22/2021 dated 18.05.2021 quash the same and consequently, direct the respondents to produce the detenu namely, Kannan S/o.Rajendran, aged about 27 years, who is now in Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.S.Ravi,

Additional Public Prosecutor.

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner is the brother of the detenu, namely, Kannan S/o.Rajendran, aged about 27 years. The detenu has been detained by the second respondent by his proceedings in D.O.No.22/2021, dated 18.05.2021 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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 for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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3. Though the learned counsel for the petitioner had raised several grounds in support of the challenge to the detention order, we do not think that it would be necessary to deal with all the grounds.

4. We find that the petitioner is entitled to succeed on the sole ground that the legible copy of the order extending the remand of the detenu has not been furnished in the book let. Despite the complaint of the petitioner, the copy of the order extending remand is illegible, no legible copy was furnished, this by itself would constitute a ground for quashing the detention order. The impugned detention order is, therefore, liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in D.O.No.22/2021 dated 18.05.2021, passed by the second respondent is set aside. The detenu, namely, Kannan S/o.Rajendran, aged about 27 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 //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Magistrate and District Collector,
Dindigul District,
Dindigul.

3.The Superintendent of Prison,
Central Prison,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Joint Secretary to Government,
Public (Law & Order),
Fort saint George, Chennai-600 009.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. SATHIS KUMAR, Advocate (SR-20662[F] dated
22/04/2022)

H.C.P. (MD) No. 426 of 2022
20.04.2022

RD(05.05.2022) 3P 7C