



WEB COPY



HCP No.1334 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

Coram

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

H.C.P.No.1334 of 2022

M.Lakshmi
W/o.Marimuthu

... Petitioner

Vs.

- 1.State of Tamil Nadu
represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The Superintendent,
Central Prison, Puzhal - II,
Chennai.
- 4.The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records passed in Detention Order in BCDFGISSSV No.20/2022 dated 12.05.2022 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the person or body of the petitioner's son, namely, Rajadurai S/o.Marimuthu, aged 27 years, who is confined at Central Prison, Puzhal II, Chennai, before this Court and set him at liberty.

For Petitioner : Ms.P.T.Ramadevi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Rajadurai S/o.Marimuthu, aged 27 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.20/2022 dated 12.05.2022, 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.41 and 42 in the booklet [complaint petition in the ground case] 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 BCDFGISSSV No.20/2022 dated 12.05.2022, passed by the



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second respondent is set aside. The detenu, viz., Rajadurai S/o.Marimuthu, aged 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
10.01.2023

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The Superintendent,
Central Prison, Puzhal - II,
Chennai.
- 4.The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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