



WEB COPY



HCP No.1491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

Coram

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

H.C.P.No.1491 of 2022

Mageshwaran
S/o.Dilli Babu

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. By its Additional Chief Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,

Avadi City Police,
Office of the Commissioner of Police,
Avadi, Chennai – 600 054.

3.The Inspector of Police,

T-7, Tank Factory Police Station,
Chennai.

4.The Superintendent of Police,

Central Prison-II,
Puzhal, Chennai.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in Memo No.45/BCDFGISSSV/2022 dated 31.05.2022 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Ravishankar, son of Dilli Babu, aged about 23 years, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the brother of the detenu, Ravishankar S/o.Dilli Babu, aged about 23 years. The detenu has been detained by the second respondent by his order in Memo No.45/BCDFGISSSV/2022 dated 31.05.2022, 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 No.289 in the booklet furnished to the detenu is illegible. Learned counsel further submits that the same adversely has affected the detenu's right of making an effective representation.

4. When the document furnished to the detenu is 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 Memo No.45/BCDFGISSSV/2022 dated 31.05.2022, passed by the second respondent is set aside. The detenu, viz., Ravishankar S/o.Dilli



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Babu, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
02.01.2023

Index: Yes/No
gm/ssr

To

- 1.The Additional Chief Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Avadi City Police,
Office of the Commissioner of Police,
Avadi, Chennai – 600 054.
- 3.The Inspector of Police,
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Chennai.
- 4.The Superintendent of Police,
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Puzhal, Chennai.

- 5.The Joint Secretary to Government of Tamil Nadu,



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Public, Law and Order Department,
Secretariat, Chennai – 9.

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6.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.



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and
N.ANAND VENKATESH, J.

SSR

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