



WEB COPY



H.C.P.No.1310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM :

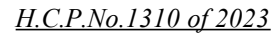
THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1310 of 2023

Velanganni
W/o Thambidurai .. Petitioner

v.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police (Goondas Section)
Vepery, Chennai 600 007
3. The Superintendent of Prison
Central Prison-II, Puzhal
Chennai 600 066
4. The Inspector of Police
F-4, Thousand Lights Police Station
Chennai 600 006 .. Respondents



For Petitioner	::	Mr.B.M.Santharam
For Respondents	::	Mr.E.Raj Thilak Additional Public Prosecutor assisted by Mr.C.Aravind, Advocate

(Order of the Court was made by S.S.SUNDAR,J.)

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Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video
Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, learned counsel appearing for the petitioner confined his argument to the point that there is a delay in furnishing the grounds of detention to the detenu.

4. It is seen that the grounds of detention were served on the detenu only on 08.06.2023. This fact is not disputed by the learned Additional Public Prosecutor appearing for the respondents. It is to be noted that by virtue of Article 22(5) of the Constitution of India, when a person is detained under any law providing for preventive detention, the authority passing the order is required to communicate the grounds on which the order was passed. It is only in terms of Article 22(5) of the Constitution, Section 8 of the the Tamil Nadu Prevention of Dangerous Activities of Bootleggers,



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Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) has made it mandatory on the part of the detaining authority to communicate the grounds of detention to the detenu within five days from the date of his detention. In this case, as admitted by the respondents, the mandatory requirement is not satisfied and therefore the order of detention is liable to be quashed.

5. In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 02.06.2023 in No.206/BCDFGISSSV/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Mathew @ Vasanth, S/o Thambidurai, aged 25 years, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (S.M.,J.)
03.11.2023

SS



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To

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1. The Addl. Chief Secretary to Government
Department of Home, Prohibition and Excise
Fort St.George
Chennai 600 009
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police (Goondas Section)
Vepery, Chennai 600 007
3. The Superintendent of Prison
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4. The Inspector of Police
F-4, Thousand Lights Police Station
Chennai 600 006
5. The Public Prosecutor
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

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