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H.C.P.No.1865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM :

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

H.C.P.No.1865 of 2023

Panchavarnam
W/o Sundaraperumal .. Petitioner

v.

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai 600 009
2. The Commissioner of Police / Detaining Authority
Tiruppur City, Tiruppur District
3. The Superintendent of Prison
Central Prison - Coimbatore
Coimbatore District
4. State rep by its The Inspector of Police
Nallur Police Station
Tiruppur District .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Habeas Corpus, to call for the entire



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records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 10.08.2023 on the file of the second respondent herein made in proceedings Memo C.No.37/G/IS/Tiruppur City/2023, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son, namely, Mokkaik Prakash @ Sugaprakash, S/o. Sundaraperumal, aged 24 years, before this Hon'ble High Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner :: Mr.W.Camyles Gandhi

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

ORDER

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

The petitioner, who is the mother of the detenu, namely, Mokkaik Prakash alias Sugaprakash, aged 24 years, S/o Sundaraperumal, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 10.08.2023 slapped on her son, branding him as 'Goonda' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, 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).



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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, the learned counsel appearing for the petitioner submitted that the impugned order is liable to be quashed on the sole ground that the detaining authority has relied upon an extraneous material while forming his subjective satisfaction, which vitiates the order of detention.

4. This Court perused page-156 of the booklet, wherein a news report dated 19.06.2023 relating to the occurrence in the ground case is found published. The detaining authority has arrived at the subjective satisfaction based on materials including the news report, which is extraneous, while passing the detention order against the detenu. In view of the fact that the detention order has been passed relying upon such extraneous material, this Court is convinced that the impugned order is vitiated for considering irrelevant material.



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5. Accordingly, the detention order passed by the 2nd respondent dated 10.08.2023 in C.No.37/G/IS/Tiruppur City/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Mokkalai Prakash alias Sugaprakash, S/o Sundaraperumal, aged 24 years, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

20.12.2023

ss

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5. The Public Prosecutor
High Court, Madras

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