



HCP(MD)No.91 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.91 of 2023

Priya

.. Petitioner /
Wife of the detenu

Vs.

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government
Home Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Theni District, Theni
- 3.The Inspector of Police,
Gudalur North Police Station,
Theni District.
- 4.The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records, connected with the detention order of the respondent No.2 in Detention order No.01/2023 dated



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03.01.2023 and quash the same and direct the respondents to produce the detenu namely Lenin, S/o. Raja, aged about 36 years, now detained at Central Prison, Madurai before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Iyyapparaj

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of detenu viz., Lenin, S/o. Raja, aged about 36 years. The detenu has been detained by the second respondent by his order in Detention Order No.01/2023 dated 03.01.2023 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.

2. We have heard the learned counsel appearing 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 many grounds have been raised in the petition, the learned counsel appearing for the petitioner has restricted his argument by contending that the remand order contained in the the booklet supplied to the detenu is illegible and the same deprived the detenu of his right to make an effective representation with necessary details against the order of detention; and that though clean copies ought to have been served, the copies of those documents were not supplied to him.

4. The learned Additional Public Prosecutor on behalf of the respondents would refute the submissions made by the learned counsel for the petitioner.

5. As pointed out by the learned counsel for the petitioner, the remand order at Page No.121 of the booklet is illegible and the contents cannot be read. It is further seen that the remand order is in English and no translated copy of the same has been provided. It is to be noted that the detenu is only 10th Standard drop out. Hence, as rightly contended by the learned counsel for the petitioner, by the supply of such illegible copies, the detenu was denied of reasonable opportunity of making an effective representation



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against the order of detention at the earliest point in time. On this ground, the order of detention is liable to be set aside. Therefore, we are inclined to set aside the detention order.

6. In the result, the Habeas Corpus Petition is allowed and the Detention Order No.01/2023 dated 03.01.2023 passed by the second respondent is set aside. The detenu, viz., Lenin S/o.Raja, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
26.07.2023

NCC : Yes / No
Internet : Yes

PNM/RR



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To

1. The Additional Chief Secretary to Government
Home Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai-600 009.
2. The Joint Secretary
Public (Law and Order)
Secretariat, Chennai.
3. The District Collector and District Magistrate,
Theni District, Theni
4. The Inspector of Police,
Gudalur North Police Station,
Theni District.
5. The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.S.RAMESH, J.
and
M.NIRMAL KUMAR,J.

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