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H.C.P.No.2269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2269 of 2023

R.Mahalakshmi

...Petitioner/Wife of the Detenu

Vs.

1.State of Tamil Nadu

Represented by its secretary to
Home, Prohibition & Excise Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The District Collector and District Magistrate,
Kallakurichi District, Kallakurichi.

3.The Superintendent of Police,
Kallakurichi District, Kallakurichi.

4.The Superintendent of Police,
Central Prison, Cuddalore.

5.The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District.

...Respondents



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Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 17.10.2023 on the file of 2nd respondent herein was made in proceedings Memo D.O. No.C2/21/2023, quash the same as illegal and consequently direct the Respondents herein to produce the petitioner's husband namely Ravi, S/o.Thangarasu, male, aged 40 years, of South Street, Veerachohapuram colony, Kallakurichi Taluk, Kallakurichi District, before this Hon'ble Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Cuddalore.

For Petitioner : Mr.V. Sivalingam

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

ORDER

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

The petitioner, wife of the detenu herein, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 17.10.2023 slapped on her husband, branding him as "Goonda" contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982.



2. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor appearing for the respondents.

3. Though several points have been raised by the petitioner, the learned counsel for the petitioner submitted that the detention order is clamped on the basis of records and extraneous materials. He has further submitted that the detaining authority has not disclosed in the detention order the purpose for which the said news paper cuttings were annexed in the booklet and therefore, the detention order is vitiated.

4. It is seen from the Booklet furnished to the detenu that the Detaining Authority has furnished and relied upon news paper cuttings, which are extraneous materials, to arrive at subjective satisfaction without disclosing the purpose of such material being placed in the booklet. We may also note that the furnishing of such news paper cuttings, which are extraneous materials, is likely to confuse the detenu and thereby deprive his right to make effective representation against the order of detention.



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5. in view of the aforesaid reason, this Court is of the view that the detention order is liable to be quashed.

6. Accordingly, the detention order passed by the 2nd respondent dated 17.10.2023 in D.O. No.C2/21/2023 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu, Ravi, aged 40 years, Son of Thangarasu, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[M.S.R., J] [S.M., J]
23.02.2024

bga

Index : Yes / No

Neutral Citation : Yes / No



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5. The Inspector of Police,
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Kallakurichi District.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.



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