



HCP.No.2550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2550 of 2023

Jecintha Arokiamary

... Petitioner/wife of the detenu

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Commissioner of Police/
Detaining Authority,
Coimbatore City,
Coimbatore District.

3.The Superintendent of Prison,
Central Prison-Coimbatore,
Coimbatore District.

4.State rep. by its
The Inspector of Police,
D-1 Ramanathapuram Police Station,
Coimbatore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to



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issue 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 06.12.2023 on the file of the second respondent herein made in proceedings Memo C.No.79/G/IS/2023, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely S.Uthira Manikandan @ Uthra, S/o.Suresh Babu, aged about 21 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband is 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

ORDER

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

The petitioner herein, who is the wife of the detenu viz., S.Uthira Manikandan @ Uthra, S/o.Suresh Babu, aged about 21 years, detained at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent dated 06.12.2023 slapped on her husband, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber



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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].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner pointed out that the Detaining Authority has furnished irrelevant materials in the Booklet supplied to the detainee. Therefore, the learned counsel submitted that the documents furnished had nothing to do with the subjective satisfaction of the detaining authority with regard to his acting prejudicial to maintenance of public order, and the compelling necessity to detain him.

4. There is force in the submission of the learned counsel for the petitioner. On perusal of the documents, it is seen that Page Nos.134 to 174 are totally unconnected to the detainee and has no relevance to the



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grounds on which the detention order has been passed. The pages have been mechanically included in the booklet. The supply of irrelevant materials not only reflects the non application of mind on the part of the detaining authority but also is likely to confuse the detenu and affect his constitutional right to make effective representation against the detention order.

5. Accordingly, the detention order passed by the second respondent on 06.12.2023 in C.No.79/G/IS/2023, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., S.Uthira Manikandan @ Uthra, S/o.Suresh Babu, aged about 21 years, detained at Central Prison, Coimbatore, 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]
01.04.2024

Index: Yes/No

Neutral Citation: Yes/No

Anu



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5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

6.The Public Prosecutor,
High Court, Madras.



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