

(2006) 06 MAD CK 0103

In the Madras High Court

Case No : Habeas Corpus Petition No. 264 of 2006

E. Muniappa

APPELLANT

Vs

The District Magistrate and District Collector and The State of
Tamil Nadu

RESPONDENT

Date of Decision : 19-06-2006

Acts Referred:

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders,
Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 3(1)

Citation : (2006) 06 MAD CK 0103

Hon'ble Judges : V. Dhanapalan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : P. Mani, for the Appellant; M. Babu Muthu Meeran, Additional Public
Prosecutor, for the Respondent

Judgement

P. Sathasivam, J.—The petitioner, who is the uncle of the detenu by name
Munikrishnappa, who was detained as a ""Bootlegger"" as

contemplated u/s 3(1) of the Tamil Nadu Prevention of Dangerous Activities of
Bootleggers, Drug Offenders, Forest Offenders, Goondas,

Immoral Traffic Offenders and Slum Grabbers Act, 1982 (in short ""Tamil Nadu
Act 14 of 1982"")) by the impugned order of detention dated

24.12.2005, challenges the same in this petition.

2. Heard both sides.

3. At the foremost, the learned Counsel for the petitioner by drawing our
attention to the averments made in para 6 of the grounds of detention,

contended that inasmuch as the detenu was not informed properly through
whom he can make a representation to the Chairman, Advisory Board,

Chennai-600 002 and in the absence of the said information, according to him,

the detention order is vitiated.

4. The learned Counsel for the petitioner has also relied on the decision rendered in HCP. No. 120 of 2006 dated 24.04.2006. As rightly pointed

out by the learned Counsel for the petitioner, while informing the detenu that if he wishes to make a representation to the District Magistrate and

District Collector or to the State Government, it should be forwarded through the Superintendent, Central Prison; but no such information is given

relating to the representation to the Chairman, Advisory Board, Chennai-600 002. Though full address has been furnished as to the Chairman,

Advisory Board, Chennai-600 002, as rightly pointed out, there is no reference through whom the said representation is to be made to the

Chairman, Advisory Board, Chennai-600 002. In such circumstances, in the light of the defect pointed out, we hold that the said defect has caused

prejudice in making effective representation, questioning the order of detention.

5. On this ground, the impugned detention order is liable to be quashed; accordingly, quashed and the detenu is directed to be set at liberty

forthwith, if he is not required in any other case.