

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.09.2020**

**CORAM :**

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**

**AND**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

H.C.P.No.454 of 2020

Baali

... Petitioner

**Vs**

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

2.District Collector & District Magistrate,  
Vellore District,  
Vellore - 9.

3.The Director General of Police,  
Mylapore,  
Chennai.

4.The Additional Director General,  
Directorate of Revenue Intelligence,  
Chennai Zonal Unit,  
Lakshimi Colony, T. Nagar,  
Chennai 600017

(R3 & R4 suomotu impleaded vide dated 14.09.2020)

in H.C.P.No.454 of 2020)

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent 19.02.2020 in C3-D.O.No.20/2020 against the petitioner son Maboob Basha, Male aged 24 years S/o.Sithik Basha who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji.

For Respondents : Mr. R. Prathap Kumar,  
Additional Public Prosecutor.

**ORDER**

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Petitioner who is the mother of the detenu has challenged the detention order passed against the detenu in C3-D.O.No.20/2020 dated 19.02.2020 by the Second Respondent, terming him as 'Goonda' under Section 2 (f) of Tamil Nadu

Act 14 of 1982 as he has got two adverse cases for the offence of smuggling of red sander woods and the ground case which has been registered in Cr.No.19 of 2020 for the offence under Sections 341, 294 (b), 324, 307, 506 (ii), 392, 397 of Indian Penal Code on 18.01.2020, when the detenu and his associates tried to rob a sum of Rs.1000/- from one Mr.Muruganantham at knife point.

3.Heard Mr.D.Balaji, learned Counsel appearing for the Petitioner and Mr. R. Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is seen from the records that ground case's confession statement referred in the grounds of detention occurring in Page Numbers 67 to 73 of the booklet is illegible. Hence the detenu cannot give proper representation to the respondents. Further non-provision of clear copy of documents found in page 67 to 73 vitiates the detention order. Therefore, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in C3-D.O.No.20/2020 dated 19.02.2020 is quashed. The detenu viz., Maboob Basha,

Male aged 24 years S/o.Sithik Basha who is confined at Central Prison, Vellore now confined in Central Prison Puzhal, Chennai is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

6.It is seen from the present case that the red sander woods smuggling is taking away many lives in Tamil Nadu. The red sander woods smuggling has become menace and poor people have become victims. The marginalized people are lured into cutting and smuggling of red sander woods from neighbouring state viz., Andhrapradesh especially in Chithoor and in other neighbouring districts. About twenty people who were in the process of cutting red sander trees in Seshachalam Forest, Chithoor District were shot down on 27th April 2015 by Red sanders and Anti smuggling Task force and many persons were also arrested. Even in May 2014, three persons from Thiruvannamalai District were shot down while it was found 100 wood cutters were felling red sander trees.

7.From the media reports, it is evident that mafia consisting of powerful political personalities from various parts, police people, exporters and brokers from the neighbouring state as well as in Tamil Nadu are involved in the smuggling of

red sander woods. It is stated that big money is involved in this big racket.

8.It is stated that the traditional route of smugglers used to be from Chittoor and Nellore Districts of Andhrapradesh to Chennai Port from where it would be transported to Southeast Asia. Recently the red sander woods are from Palakonda hills of Kadapa and Ananthapur Districts. They are stated to be smuggled via Ananthapur to Bangalore and from there to Chennai Port. Poor and marginalized people and the people belonging to Schedule Caste and Schedule Tribes who are living especially in Tiruvannamalai, Vellore, Dharmapuri and Vellore Districts are targeted and lured into this illegal activity by promising them big money in return. Believing those sugar coated words, these poor people without knowing the risks are indulging in these illegal activity by travelling to the neighbouring State viz., Andhrapradesh where red sander woods are abundantly available and thereby, cutting and smuggling those red sander woods. However, money given to those poor people are said to be only peanuts compared to the money involved by selling those red sander woods.

9.The main reason for the poor people indulging in this illegal activity is that

they lack opportunities of employment and proper income in their native districts. If they are provided with proper employment and basic amenities, definitely, they would not go for this kind of illegal activity. Without knowing that red sander wood tree is a protected tree and without proper permission, it cannot be cut off, many people are lured into this illegal activity and they are shot down or they are arrested by the police. In view of the above position, this Court, *suo motu*, impleads, ***"The Director General of Police, Mylapore, Chennai"*** and Mr.R.Prathap Kumar, learned Additional Public Prosecutor takes notice on behalf of the newly impleaded respondent. As the red sander woods are smuggled and illegally exported, ***the Additional Director General, Directorate of Revenue Intelligence, Chennai Zonal Unit, Lakshimi Colony, T. Nagar, Chennai 600017*** is also *suo motu* impleaded as 4th respondent to this proceedings. Mr.G.Karthikeyan, Assistant Solicitor General takes notice on behalf of the newly impleaded 4th respondent. The respondents 1 and 2 and the newly impleaded 3rd and 4th respondents shall answer the following queries:

(i)How many persons have been killed in the smuggling of Red sander woods from the neighbouring State of Andhrapradesh as well as in our State for the

past ten years?

(ii)How many persons have been arrested so far in the process of red sander woods smuggling? (Year wise details have to be given)

(iii)How many cases have been registered in the smuggling of red sander wood and what is the state of those cases?

(iv)Who are all the stake holders in the red sander woods smuggling?

(v)Is it a fact that poor and marginalized people have been lured with the promise of big money if they cut and smuggle red sander woods by powerful lobby?

(vi)Is it a fact that cutting across political parties, many political personalities such as police, brokers and exporters are involved in red sander wood smuggling?

(vii)Other than poor people, who are only victims, how many other politically powerful persons such as police officials, exporters, brokers and business people have been arrested so far?

(viii)What is the quantity of the red sander woods seized for the past ten years? (Year wise details have to be given)

(ix)What are all the effective steps taken by the Government to sensitize the poor people about the dangers of red sander wood smuggling who have been used

as tool for this illegal activity?

(x)What are all the steps taken by the Government to give adequate and alternative employment so that people will not be lured away by red sander wood smuggling and red sander wood mafia?

(xi)Whether State of Tamil Nadu and Andhrapradesh have constituted special basic schemes to abate this red sander wood smuggling?

(xii)How many cases have been registered in Andhrapradesh for the offence of smuggling of red sander woods and what is the stage of those cases?

10.Though the prayer of this Petition has been answered, this Petition is kept pending for the larger issue raised above.

Post the matter on 28.09.2020 for filing response.

(N.K.K.,J.) (P.V.,J.)  
14.09.2020

ay

Index: Yes/No

Internet: Yes/No

*Note: Registry is directed to carry out necessary amendment in the cause title.*





*H.C.P.No.454 of 2020*

**N.KIRUBAKARAN, J.**  
**AND**  
**P.VELMURUGAN, J.**

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**H.C.P.No.454 of 2020**

**Dated:14.09.2020**