

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.1390 of 2015

Leela
W/o.Selvam

...Petitioner

vs.

1. State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Chennai Police,
Chennai - 600 008.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus calling for the entire records, relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 09.05.2015 on the file of the second respondent herein made in proceedings No.377/BCDFGISSSV/2015 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Selvam S/o.Ramalingam, aged 50 years, before this Court and set him at liberty.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R
[Order of the Court was made by S.TAMILVANAN, J.]

Petitioner is the wife of the detenu, who has been branded as a "Slum Grabber" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in No.377/BCDFGISSSV/2015 dated 09.05.2015.

2. As per the grounds of detention dated 09.05.2015, passed by second respondent, the detenu came to adverse notice in the following case:

Sl No.	Name of the Police station and Crime No.	Section of law
1	Central Crime Branch X Crime No.112 of 2015	419, 465, 467, 468, 471 & 420 IPC

The alleged ground case has been registered against the detenu on 11.03.2015 by the Central Crime Branch, in Crime No.101 of 2015 for offences under Sections 419, 420, 465, 467, 468, 471 r/w 120(b) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that the detaining authority has informed a real possibility of the detenu coming out on bail since in a similar case registered at Central Crime Branch in Crime No.354 of 2014 for offences u/s.420, 465, 467, 468, 471 and 120(b) IPC, bail was granted to the accused by Special Court for Land Grabbing Cases-I, Chennai, in CrI.M.P.No.559 of 2014. However, in the booklet furnished to the detenu, only the English version of the order in similar case has been enclosed, the Tamil version is not available. This precluded the detenu from making an effective representation.

4. We have heard learned Additional Public Prosecutor on the above submissions.

5. Non-furnishing of tamil version of the order in similar case relied on by the detaining authority, would deprive the detenu from making effective representation. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

Accordingly, the impugned detention order passed by second respondent, detaining the detenu, namely, Selvam S/o.Ramalingam, aged 50 years, made in No.377/BCDFGISSSV/2015 dated 09.05.2015, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Chennai Police,
Chennai - 600 008.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent of Central Prison,
Puzhal, Chennai.
5. The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.

H.C.P.No.1390 of 2015

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AK (CO)

PSI (25.09.2015)