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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.09.2015

CORAM:
THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
and
THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P (MD) No.738 of 2015

Sonaiyammal

.. Petitioner

Vs.

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

2.The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the Respondent No.2 in H.S.(M)Confdl.No.47/2015, dated 14.05.2015 and quash the same and direct the Respondents to produce the detenu, namely Selvam, son of Mariappan, aged about 33 years, detained in Palayamkottai Central Prison before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Mohan

Additional Public Prosecutor.

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner is the mother of the detenu, Mr.Selvam, who has been detained under the Tamilnadu Act 14 of 1982 on the orders of the second respondent in his proceedings in H.S.(M) Confdl.No.47/2015, dated 14.05.2015, branding him as a "Goonda". Challenging the same, the petitioner has come up with this Habeas Corpus Petition.



2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner would submit that the material papers, upon which, the subjective satisfaction arrived at by the Detainig Authority are in English and Tamil translation of the same has not been furnished to the detenu, though the fact remains that the detenu does not know to read and write English.

4. The learned Additional Public Prosecutor has no quarrel over the said facts.

5. In our considered view, it is the Constitutional mandate that sufficient opportunity should be afforded at the earliest point of time to the detenu to make his representation. Such kind of representation could be made only, if the materials, upon which, the detention order has been passed, are furnished to the detenu in the language known to him. Here in this case, many of the papers, such as accident register copy and the remand order have not been supplied to the detenu by translating the same into Tamil. Thus, there is a violation of the mandatory requirements. In such view of the matter, the impugned detention order is liable to set aside.

6. In the result, this Habeas Corpus Petition is allowed and the impugned order passed by the second respondent, in his proceedings in H.S.(M)Confdl.No.47/2015, dated 14.05.2015, is quashed. The detenu, namely, Selvam, son of Mariappan, aged about 33 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(Writ)

/True copy/

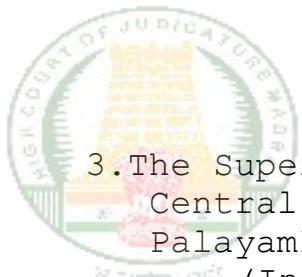
Sub Assistant Registrar

PJL/RR

To

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

2. The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.



3.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli District.
(In duplicate for Communicate the Detenu)

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4.The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St., George, Chennai-9

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate SR NO.52791

ORDER MADE IN
H.C.P (MD) No.738 of 2015
08.09.2015

rg.22.09.2015/AAL/MPA/SAR-II 3P.8C