

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.2181 of 2016

Latha

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. By the Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009
2. The District Collector and
the District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 18.09.2016 in D.O.No.39/2016-C2 against the petitioner's husband, detenu Govindaraj, male, aged 38, S/o Arumugam, who is confined at Central Prison, Vellore and to set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : M/s.R.Balakrishnan

For respondents : Mr.V.M.R. Rajentren,
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by S. NAGAMUTHU, J.,)

Challenging the Detention Order passed by the second respondent in D.O.No.39/2016-C2 dated 18.09.2016 detaining Govindaraj, male, aged 38, S/o Arumugam, the petitioner has come up with this Habeas Corpus Petition.

2. The learned counsel for the petitioner submitted that in the booklet submitted to the detenu, some of the pages upon which, reliance was made by the detaining authority has not been duly translated in Tamil, as the only language known by the detenu to read and write is Tamil. Thus, non-furnishing of translated copies in Tamil, deprived the detenu of making effective representation to the authority against the order of Detention.

3. We find force in the said argument. In fact, some pages of the documents, have not been translated in Tamil. In our considered view, this would cause prejudice to the detenu in making effective representation before the detaining authority. Therefore, we are inclined to quash the detention order.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 18.09.2016, passed by the second respondent is quashed. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jbm/sts

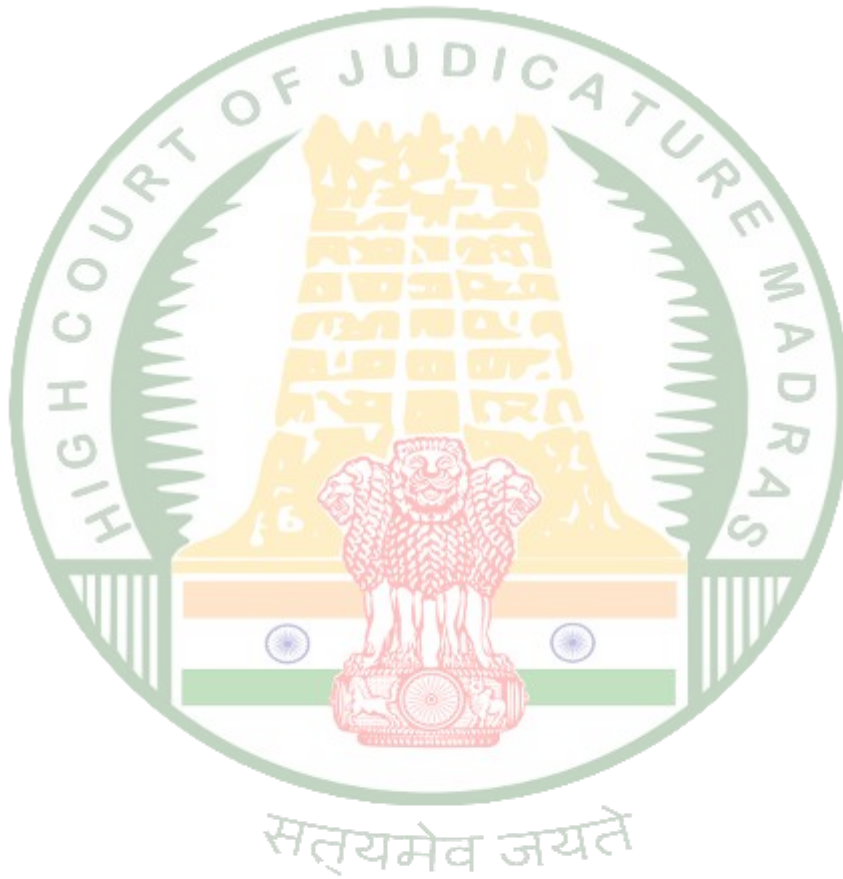
To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009
2. The District Collector and
the District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent, Central Prison,
Vellore.

4. The Joint Secretary to Government
Public (Law and Order)
Fort Saint George, Chennai.
5. The Public Prosecutor,
High Court, Chennai.

H.C.P.No.2181 of 2016

RSI (CO)
CS/20/06/17



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