

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 25.05.2017

Coram:

The Honourable Mr. Justice M.M.SUNDRESH

and

The Honourable Mr. Justice R.MAHADEVAN

Habeas Corpus Petition No.2678 of 2016

Arshiya

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep., by its Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai-600 009.
2. The District Collector and District Magistrate,
The Detaining Authority,
Coimbatore District.
- 3.The Sponsoring Authority,
The Inspector of Police,
KG Chavadi Police Station,
Coimbatore District.

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the detenu's detention order passed by the second respondent in his order Cr.M.P.No.43/G/2016/E1 dated 16.12.2016 and set aside the same and produce the detenu Mohammed Iliyas, male, aged 50 years, S/o Sheik Mohammed, now detained in Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.A.V.Arun
For Respondents : Mr.E.Raja,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner, is the daughter of the detenu Mohammed Iliyas, male, aged 50 years, S/o Sheik Mohammed who has been detained by the 2nd respondent under the provisions of the Tamil Nadu Act 14 of 1982 branding him as a "Goonda" by an impugned Detention Order dated 16.12.2016. Challenging the said detention order, the petitioner is before this Court with this Habeas Corpus Petition.

2.We have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3.The learned counsel appearing for the petitioner submits that, based on the ground, that the translated copies of the documents, which were in the language of Malayalam have been furnished only on 24.12.2016. Though the detention order was passed on 16.12.2016, effective representation could not have been made by the detenu within that time.

4.The learned Additional Public Prosecutor is not in a position to dispute the factual assertion made.

5.A perusal of the booklet would go to show that the material documents were in Malayalam language and it appears that the translated copies were served on the detenu only on 24.12.2016. In our considered view, on this ground alone, the impugned detention order is liable to be quashed.

6.Accordingly, the Habeas Corpus Petition is allowed and the detention order in Cr.M.P.No.43/G/2016/E1 dated 16.12.2016 passed by the second respondent is quashed. The detenu, viz., Mohammed Iliyas, son of Sheik Mohammed, is directed to be released forthwith, unless his presence is required in connection with any other case.

[M.M.S.,J] [R.S.M.,J.]
25.05.2017

cla/sts

To

- 1.The Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai-600 009.
2. The District Collector and District Magistrate,
The Detaining Authority,
Coimbatore District.
- 3.The Sponsoring Authority,
The Inspector of Police,
KG Chavadi Police Station,
Coimbatore District.
- 4.The Public Prosecutor, High Court, Madras.

M.M.SUNDRESH,J.
and
R.MAHADEVAN,J.

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Order in
HCP. No.2678 of 2016

25.05.2017

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