

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 17.05.2017

Coram:-

The Honourable Mr. Justice M.M.SUNDRESH
and
The Honourable Mr. Justice R.SUBRAMANIAN

Habeas Corpus Petition No.2684 of 2016

M.Munivel

... Petitioner

Vs.

1. The State,
Rep., by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The District Magistrate and
District Collector,
Thiruvallur District,
Thiruvallur.

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct the respondents to produce the detenu Saravanan @ Sathya, aged 26 years, son of Munivel, Chelliamman Koil Street, Karani Village, Koduvalli Post, Thiruvallur Taluk, Tiruvallur District, who has been termed as ' Sand Offender' and is now detained in Central Prison, Puzhal, Chennai-66 in pursuance of the detention order passed by the 2nd respondent in B.C.D.F.G.I.S.S.V No.21/2016 dated 26.08.2016 passed under Act 14/1982 on the file of the 2nd respondent before this Court, call for the records, set aside the order and set the detenu at liberty forthwith.

For Petitioner : Mr.Senthilvel for
M/s.K.J.Nithiyanandam

For Respondents : Mr.E.Raja,
Additional Public Prosecutor

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Challenging the order of detention dated 26.08.2016 passed by the second respondent, the father of the detenu has filed the present 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 only ground urged by the learned counsel for the petitioner is that the English version of the documents viz., page Nos.10 to 13 and 26 to 32, contained in the booklet has alone been furnished to the detenu. According to the detenu, he knows only Tamil and he does not know to read and write English.

4. The learned Additional Public Prosecutor is unable to dispute the claim of the learned counsel for the petitioner.

5. In view of the fact that the Tamil translation of the abovesaid documents viz., page Nos.10 to 13 and 26 to 32, relied upon for the purpose of detention has not been given to the detenu, the impugned order of detention is liable to be quashed.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in BCDFGISSV No.21/2016, dated 26.08.2016 passed by the second respondent is quashed. The detenu, viz., Saravanan @ Sathya is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-
सत्यमेव जयते

Assistant Registrar

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Sub Assistant Registrar

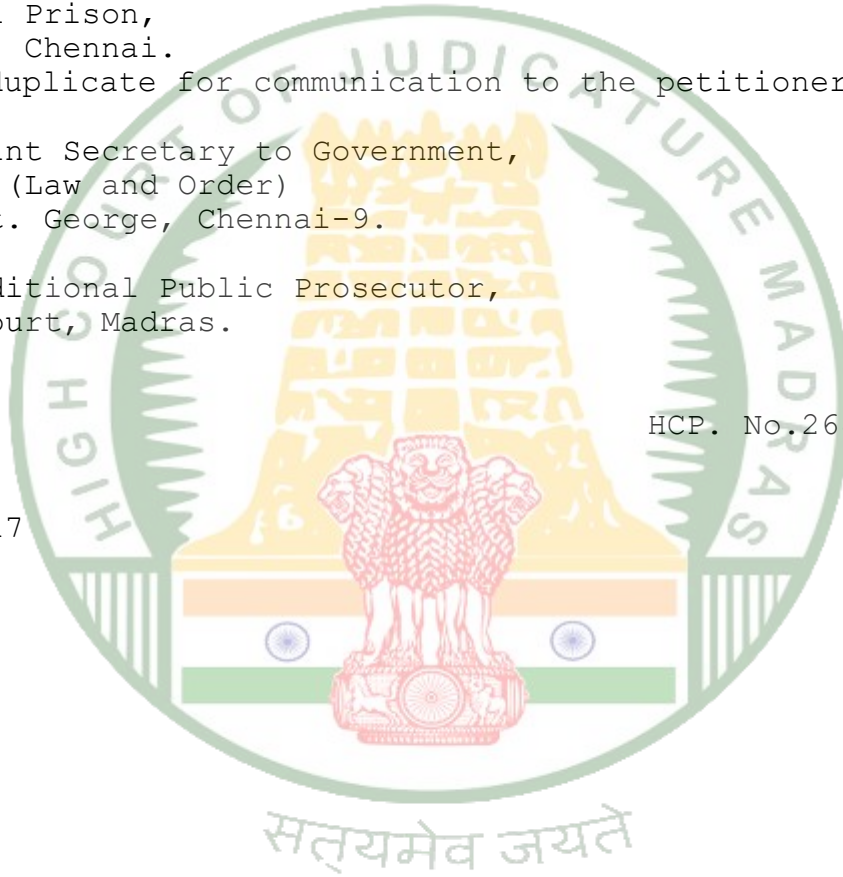
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To

1. The Secretary to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai-600 009.
2. The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
(In duplicate for communication to the petitioner)
4. The Joint Secretary to Government,
Public (Law and Order)
Fort St. George, Chennai-9.
5. The Additional Public Prosecutor,
High Court, Madras.

HCP. No.2684 of 2016

NRI (CO)
CS/13/06/17



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