



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.05.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

H.C.P(MD)No.193 of 2017

Sankareswaran

.. Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its
Secretary to Government
Home Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2.The District Collector/District Magistrate,
Thoothukudi District.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records relating to the detention order passed by the 2nd respondent in H.S.(M).Confdl.No.57/16 dated 22.12.2016 and quash the same and direct the respondents to produce the detenu Manikandan son of Sankareswaran, Male aged 28 years, who is detained at Central Prison, Palayamkottai, before this Court and set him at liberty.

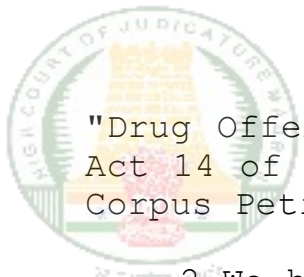
For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by M.V.MURALIDARAN , J.]

The petitioner is the father of the detenu. The detenu has been detained by the 2nd respondent by order in H.S.(M). Confdl.No.57/16, dated 22.12.2016, holding the detenu to be a



"Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel for the petitioner would mainly focus his argument on the ground that the detenu knows only Tamil and copies of the similar case particulars served on him are all in English. Even though he made a representation praying that he shall be supplied with a translated Tamil version of those documents, the same was not considered and translated copies of those documents were not supplied to him. The same caused a disability to make an effective representation against the order of detention.

4. The submissions made by the learned Additional Public Prosecutor in reply to the above said contentions raised by the learned counsel for the petitioner are also heard.

5. As pointed out by the learned counsel for the petitioner, the copies of the similar case particulars are in English. The detenu has signed the documents only in Tamil contending that he knows only Tamil. Admittedly he sent a representation for the supply of translated copies of the above said documents. But the same has not been considered and translated copies have not been supplied. As rightly contended by the learned counsel for the petitioner, the failure to supply translated copies of the documents referred to in the representation would amount to denial of reasonable opportunity to the detenu to make an effective representation for revocation of the order of detention at the earliest point of time. On both the grounds, the order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and this Court sets aside the order of detention dated 22.12.2016, made in H.S.(M).Confdl. No.57/16, by the second respondent and directs the release of the detenu by name Manikandan, S/o.Sankareswaran, aged about 28 years forthwith, if his custody/detention is not authorised in specific cases or by any other order of detention.

Sd/-
Assistant Registrar (AE)

/True Copy/



To

- 1.The Secretary to Government
Home Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
 - 2.The District Collector/District Magistrate,
Thoothukudi District.
 - 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.
 - 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.
- + 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 57031

NS/RR

TE/RSK/SAR-I : 02/06/2017 : 3P/7C

ORDER MADE IN
H.C.P (MD) No.193 of 2017
23.05.2017