



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P. (MD) No.582 of 2018

Panasir

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

2.The District Collector and District Magistrate's Office,
Thanjavur District.

3.The Superintendent of Prison,
Trichy Central Prison, Trichy District. ... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the respondent No.2 in P.D.No.17/2018, dated 15.04.2018 and quash the same and direct the respondents to produce the body or person of the detenu by name, Thulasi @ Thulasiraman, son of Periyasamy, aged about 37 years now detained in Trichy Central Prison, before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.V.Neelakandan, APP

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

The petitioner is the wife of detenu herein, viz., Thulasi @ Thulasiraman, son of Periyasamy. The detenu has been detained by order in P.D.No.17/2018, dated 15.04.2018, holding him to be a "Goonda", as contemplated under 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

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

3.Though several grounds have been raised in Habeas Corpus Petition, learned counsel for petitioner would mainly focus on the ground that there is gross violation of procedural safeguards, which would vitiate the detention. The learned counsel submitted that Tamil version of the grounds of Detention Order erroneously informed that the bail petition of the detenu in the ground case is pending, whereas, in English version informs the correct position. There is



error in Tamil translation, which denies the detenu, a right to make effective representation against the order of detention.

4.Learned Additional Public Prosecutor opposed the Habeas Corpus Petition. According to the learned Additional Public Prosecutor, no prejudice has been caused to the detenu and thus, there is no violation of the fundamental rights guaranteed under Articles 21 and 22 of the Constitution of India.

5.As rightly contented by learned counsel for the petitioner, there is error in the Tamil version, which denies the right to make effective representation against the detention order. The same would show non-application of mind and mechanical clamping of the order of detention by the Detaining Authority. Hence, the order of detention is liable to be set aside.

6.In the result, the Detention Order, passed by the second respondent, in his proceedings in P.D.No.17/2018, dated 15.04.2018, is quashed. The detenu, namely, Thulasi @ Thulasiraman, son of Periyasamy, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case. Accordingly, we allow the Habeas Corpus Petition.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS-I)

To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu, Home,
Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate's Office,
Thanjavur District.
- 3.The Superintendent of Prison,
Trichy Central Prison, Trichy District.
- 4.The Joint Secretary to Government,
Public (Law and Order) Department,
Fort.St.George, Chennai - 9.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P. (MD) No.582 of 2018
04.07.2018