

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. No. 111 of 2019

Kanniammal

... Petitioner

-vs-

- 1.The Secretary to Government,
Government of India,
Ministry of Home Affairs,
(Department of Internal Security)
North Block,
New Delhi-110 001.
 - 2.The Additional Secretary to Government, (Home),
Government of Pudhucherry,
Chief Secretariat,
Gubert Avenue,
Pudhucherry-605 001.
 - 3.The District Magistrate Cum Authorized Officer,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Pudhucherry-605 009.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for records in No.16/DM/RO/D2/PPASAA/2018 dated 11.12.2018 on the file of the third respondent herein and quash the same as illegal and consequently direct the respondents to produce the detenu Thiru.Sivakumar @ Track Siva @ Siva son of Veerappan, aged about 31 years, who now confined in Central Prison, Kalapet, Pudhucherry, before this Court and set him at liberty.

For petitioner : Mr.K.Gandhi Kumar
For Respondents: Mr.S.S.Pajaniradja for R1

: Mr.D.Bharathachakkaravarthy,
Public Prosecutor for R2 & R3

ORDER

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

The petitioner, who is the mother of the detenu Sivakumar @ Track Siva @ Siva, aged about 31 years has come up with this habeas corpus petition, challenging the detention order passed against his son Sivakumar @ Track Siva @ Siva by the third respondent, vide proceedings No. 16/DM/RO/D2/PPASSA/2018 dated 11.12.2018, branding him as a "Dangerous Person and Goonda" under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010).

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

3. Though, several grounds were raised in the petition, the learned counsel appearing for the petitioner would mainly focus on the ground that many papers in the booklet (page Nos.44 to 48, 49 to 60) which are in English version were not properly translated in Tamil version.

4. We have gone through the same. The learned Additional Public Prosecutor would not dispute the said submission. We find that in the booklet there is no proper translation for page Nos.44 to 48, 49 to 60 from English version to Tamil version. This has resulted in the detenu being deprived of making an effective representation. Therefore, the detention order is vitiated and liable to be quashed on this ground alone.

5. In the light of the above facts and law, we have no hesitation in quashing the order of detention on the above mentioned ground. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in No.16/DM/RO/D2/PPASSA/2018 dated 11.12.2018, passed by the third respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

sr/rst

To:

1.The Secretary to Government,
Government of India,
Ministry of Home Affairs,
(Department of Internal Security)
North Block,
New Delhi-110 001.

2.The Additional Secretary to Government, (Home),
Government of Pudhucherry,
Chief Secretariat,
Gubert Avenue,
Pudhucherry-605 001.

3.The District Magistrate Cum Authorized Officer,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Pudhucherry-605 009.

3. The Superintendent,
Central Prison, Kalapet,
Pudhucherry.

4.The Public Prosecutor,
High Court, Puducherry.

+1cc to Mr.S.S.Pajaniradja, Advocate SR.No.45982

+1cc to Public Prosecutor, Puducherry SR.No.45904

H.C.P. No. 111 of 2019

NMI (CO)
GMY (11/07/2019)

सत्यमेव जयते

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