

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

H.C.P.No.1180 of 2019

P.Devi ...Petitioner/Wife of Detenu

Vs

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

2.The District Magistrate and District
Collector,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records pertaining to the order vide D.O.No.37/2019-C2 dated 27.05.2019 on the file of the second respondent herein set aside the same and direct the respondents herein to produce the petitioner's husband Prakash @ Arul, S/o.Sundar, aged 32 years, confined in the Central Prison, Vellore before this Court and set him at liberty.

For Petitioner Mr.C.K.M.Appaji

:

For Respondents Ms.V.Saradha Devi
: Govt. Advocate
(Crl. Side)

ORDER

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

The petitioner is the wife of the detenu Prakash @ Arul, S/o.Sundar, aged 32 years. She has come up with this habeas corpus petition, challenging the detention order passed by

the second respondent, vide D.O.No.37/2019-C2 dated 27.05.2019, branding him as a "Sand Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. We have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents and we have also perused the records carefully.

3. Amidst several grounds raised including the ground that the co-accused has already been released, learned counsel for the petitioner mainly focused his argument on the ground that page Nos.7,10 and 11 have not been properly translated in vernacular language. Therefore, the subjective satisfaction arrived by the detaining authority is not well founded.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, it is seen that Page Nos.7, 10 and 11 have not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in D.O.No.37/2019-C2 dated 27.05.2019 passed by the second respondent is set aside. The detenu, namely, Prakash @ Arul, S/o. Sundar, aged 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

mmi/ssm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to the Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George, Chennai - 600 009.

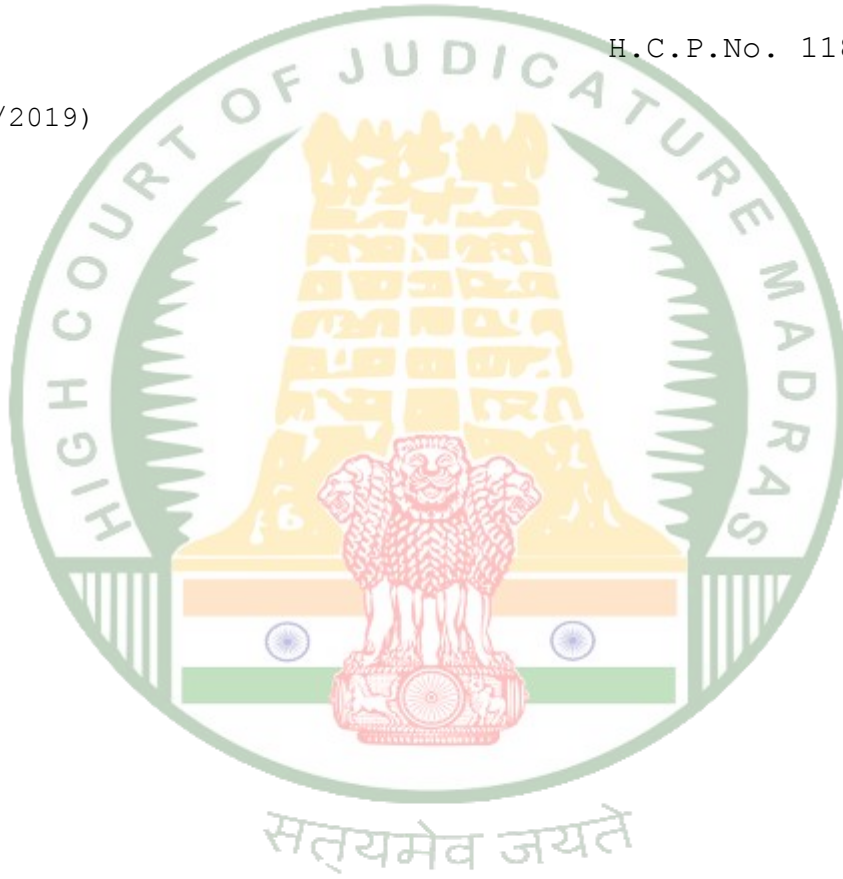
3. The District Magistrate and District
Collector,
Thiruvannamalai District,
Thiruvannamalai.

4. The Superintendent,
Central Prison, Vellore.

5. The Public Prosecutor,
High Court, Madras.

H.C.P.No. 1180 of 2019

Kak(16/10/2019)



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