

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.No.807 of 2020

S.Kider Mohammed ... Petitioner

Vs.

- 1.The Secretary to the Government, ... Respondents
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
City Poilice Office, Huzur Road,
Coimbatore City, Coimbatore - 18.
- 3.The Superintendent of Prison,
Central Prison,
Coimbatore, Coimbatore District.
- 4.State Rep. By
The Inspector of Police,
E3 Saravanampatty Police Station,
Coimbatore District.

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records relating to the petitioner detention under Tamil Nadu Act 14 of 1982 vide detention order dated 14.03.2020 on the file of the second respondent herein made in proceedings Memo C.NO.01/NSA/IS/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner namely S.Kider Mohammed, S/o.Sulaiman, aged 66 years before this Court and set the petitioner at liberty from detention, now the petitioner detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor

ORDER

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

The petitioner, S.Kider Mohammed, S/o.Sulaiman, aged 66 years, is the detenu. The detenu has been detained by the second respondent by his order in Memo C.NO.01/NSA/IS/2020, dated 14.03.2020 under the National Security Act, 1980 (Central Act 65 of 1980) read with the orders issues by the Government of Tamil Nadu in G.O.Ms.No.48, Public (Law and Order) Department, dated 06.01.2020 under Sub-section (3) of Section 3 of the Act. The said order is under challenge in this Habeas Corpus Petition.

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

3.Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the Government order has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4.On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.139 & 140 of the booklet, it is clear that the Government Order has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo C.NO.01/NSA/IS/2020, dated 14.03.2020 passed by the second respondent is set aside. The detenu, namely, S.Kider Mohammed, S/o.Sulaiman, aged 66 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
City Poilice Office, Huzur Road,
Coimbatore City, Coimbatore - 18.
- 3.The Superintendent of Prison,
Central Prison,
Coimbatore, Coimbatore District.
- 4.The Inspector of Police,
E3 Saravanampatty Police Station,
Coimbatore District.
- 5.The Public Prosecutor,
High Court, Madras.

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BR (CO)

UM (15.12.2020)