

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.No.985 of 2020

Shamshath Begum ... Petitioner

vs

1.The Secretary to Government, Respondents
Home, Prohibition and Excise Department,
Fort.St. George, Chennai - 600009.

2.The District Collector and District Magistrate
of Vellore District, Vellore District, Vellore - 632009.

3.The Superintendent of Police,
Vellore District.

4.The Superintendent of Prison,
Central Prison, Vellore.

5.The Inspector of Police,
Pallikonda Police Station, Vellore District.

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records related to the detention order dated 28.05.2020 passed by the 2nd respondent herein in C3/D.O.No.50/2020 in TPDA No. 7975 and quash the same and direct the respondents herein to produce the petitioner's son namely Sayad Jaffer son of Mahaboob Batsha aged about 24 years residing at No.58, Arockiya Madha Koil Street, Devaraj Nagar, Vellore, Vellore Taluk who is presently undergoing detention in the Central Prison, Vellore under sub section (1) of Section 3 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cuber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14/1982) before this Court and set him at liberty forthwith.

For Petitioner : Mr.J.Prakasam

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

ORDER

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

The petitioner is the mother of Sayad Jaffer, son of Mahaboob Batsha, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O.No.50/2020 dated 28.05.2020 holding him 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 appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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 arrest intimation has not been properly 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.10 and 11 of the booklet, it is clear that the arrest intimation has 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 C3/D.O.No.50/2020 dated 28.05.2020, passed by the second respondent is set aside. The detenu, namely, Sayad Jaffer, son of Mahaboob Batsha, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St. George, Chennai - 600009.
- 2.The District Collector and District Magistrate
of Vellore District, Vellore District, Vellore - 632009.
- 3.The Superintendent of Police,
Vellore District.
- 4.The Superintendent of Prison,
Central Prison, Vellore.
- 5.The Inspector of Police,
Pallikonda Police Station, Vellore District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai-600 009.

H.C.P.No.985 of 2020

AJS (CO)
UMY (17.12.2020)



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