

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1010 of 2020

Muniyammal

... 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 Lieutenant Governor,
Rajnivas, Puducherry.
3. The District Magistrate cum Authorised
Officer,
Office of the District Magistrate,
1st Floor, Vazhadhavoor Road,
Kavundanpalayam,
Puducherry - 605 009.
4. The Superintendent of Police (EAST),
Puducherry.
5. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
6. The Station House Officer,
Muthialpet Police Station,
Puducherry.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection relating to the detention order in No.13/DM/RO/D2/PPASAA/2020 dated 21.05.2020 passed by the 3rd respondent under the Puducherry Prevention of Anti Social Activities Act, 2008 (Act 10 of 2010) and set aside the same and

direct the respondents to produce the petitioner's son Arulpandi, S/o. Balaiya, aged about 25 years, the detenu, now confined in Central Prison, Kalapet, Puducherry before this Court and set the petitioner's son Arulpandi, S/o. Balaia, aged about 25 years the detenu herein at liberty.

For Petitioner : Mr.U. Yuvaraj

For Respondents Mr.Bharathachakravarthi
: Public Prosecutor
(Puduchery)

ORDER

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

The petitioner, who is the mother of the detenu namely, Arulpandi, S/o. Balaia, aged about 25 years, has come forward with the present Habeas Corpus Petition. The detenu has been detained by the third respondent by his order in No.13/DM/RO/D2/PPASAA/2020 dated 21.05.2020, holding him to be a "Dangerous Person", under the Puducherry Prevention of Anti Social Activities Act, 2008 (Act 10 of 2010). 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 Public Prosecutor appearing for the respondents and we have also perused 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 page Nos. 43 to 48 of the booklet have 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. 43 to 48 of the booklet, it is clear that the said pages 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 No.13/DM/RO/D2/PPASAA/2020 dated 21.05.2020 passed by the third respondent is set aside. The

detenu, namely, Arulpandi, S/o. Balaiya, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nv
To

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Department of Internal Security,
North Block, New Delhi - 110 001.
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6. The Station House Officer,
Muthialpet Police Station,
Puducherry.
7. The Public Prosecutor,
High Court, Madras.

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