

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.No.1081 of 2020

Kavitha ... Petitioner

vs

1.State of Tamil Nadu, ... Respondents
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and
District Magistrate of Tirupathur
District, Tirupathur.

3.The Superintendent of Police,
Tirupathur District, Tirupathur.

4.The Inspector of Police,
Prohibition and Enforcement Wing,
Vaniyambadi, Thirupathur District.

5.The Superintendent,
Central Prison, Vellore.

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the entire records, relating to the petitioner's husband's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 26.05.2020 on the file of the second respondent herein made in proceedings in C3/D.O. No. 13/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely, Balaji S/o. Thimma Naidu, aged 40 years, before this Hon'ble Court and set him at libierty from detention, now, the petitioner's husband is detained at Central Prison, Vellore.

For Petitioner : Mr.M. Mohd. Saifullah

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 wife of Balaji S/o. Thimma Naidu, aged 40 years who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O. No. 13/2020 dated 26.05.2020 holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 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 the bail dismissal order 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. 63 & 65 of the booklet, it is clear that the bail dismissal order 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 No. C3/D.O. No. 13/2020 dated 26.05.2020 passed by the second respondent is set aside. The detenu, Balaji S/o. Thimma Naidu, aged 40 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

nv

To

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

3.The District Collector and
District Magistrate of Tirupathur
District, Tirupathur.

4.The Superintendent of Police,
Tirupathur District, Tirupathur.

5.The Inspector of Police,
Prohibition and Enforcement Wing,
Vaniyambadi, Thirupathur District.

6.The Superintendent,
Central Prison, Vellore.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1081 of 2020

PVS (CO)
UMY (19/12/2020)

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