

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. 1168 of 2020

P. Rajathi

..Petitioner

Vs.

1. The Secretary to the Government,
Government of Tamilnadu,
(Home), Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate,
Villupuram District, Villupuram.
3. The Superintendent of Police,
Villupuram District, Villupuram.
4. The Inspector of Police,
Villupuram Taluk Police Station, Villupuram District.
5. The Superintendent,
Central Prison, Cuddalore District.

..Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to call for the entire records connected with the order of the 2nd respondent herein in Rc.No.C2/10461/2020, dated 09.06.2020 passed against the petitioner's husband the detenu namely Pazhanivel, Son of Periyasamy, aged about 39 years, who is confined at Central Prison, Cuddalore and set aside the same, consequently, directing the respondents herein to produce the body and person of the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Anburaja

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 Pazhanivel, Son of Periyasamy, aged about 39 years, who is the detenu. The detenu has been detained by the second respondent by his order in Rc.No.C2/10461/2020, dated 09.06.2020, holding him to be a "Goonda", as contemplated under Section 2(f) 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 similar case bail 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 No.85 of the booklet, it is clear that the similar case bail order has not been 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 Rc.No.C2/10461/2020, dated 09.06.2020 passed by the second respondent is set aside. The detenu, namely, Pazhanivel, Son of Periyasamy, aged about 39 years, is directed to be released forthwith unless his detention is

required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to the Government,
Government of Tamilnadu,
(Home) Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate,
Villupuram District, Villupuram.
3. The Superintendent of Police,
Villupuram District, Villupuram.
4. The Inspector of Police,
Villupuram Taluk Police Station, Villupuram District.
5. The Superintendent,
Central Prison, Cuddalore District.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government,
Public (Law and Order) Department,
Secretariat, Chennai - 9.

H.C.P. No.1168 of 2020

CO (NMI)
BDL/18/01/2021

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