

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2020

Coram

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

H.C.P. No. 1339 of 2020

Chandra

... Petitioner

Vs.

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,  
Tiruvallur District, Tiruvallur.
- 3.The Superintendent of Police,  
O/o. Superintendent Office, Tiruvallur,  
Tiruvallur District.
- 4.The Superintendent of Prison,  
Central Prison - II, Puzhal, Chennai - 600 066.
- 5.State represented by its  
The Inspector of Police,  
Gummidipoondi Police Station, Tiruvallur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to call for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 17.06.2020 on the file of the second respondent herein made in proceedings Memo B.C.D.F.G.I.S.S.S.V.No.12/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Manikandan, S/o.Nagappan, aged 26 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison-II, Puzhal, Chennai

For Petitioner : Mr.R.Sasikumar

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 Manikandan, S/o.Nagappan, aged 26 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo B.C.D.F.G.I.S.S.S.V.No.12/2020 dated 17.06.2020, 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 arrest intimation 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.73 of the booklet, it is clear that the arrest intimation 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 Memo B.C.D.F.G.I.S.S.S.V.No.12/2020, dated 17.06.2020, passed by the second respondent is set aside. The detenu, namely, Manikandan, S/o.Nagappan, aged 26 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

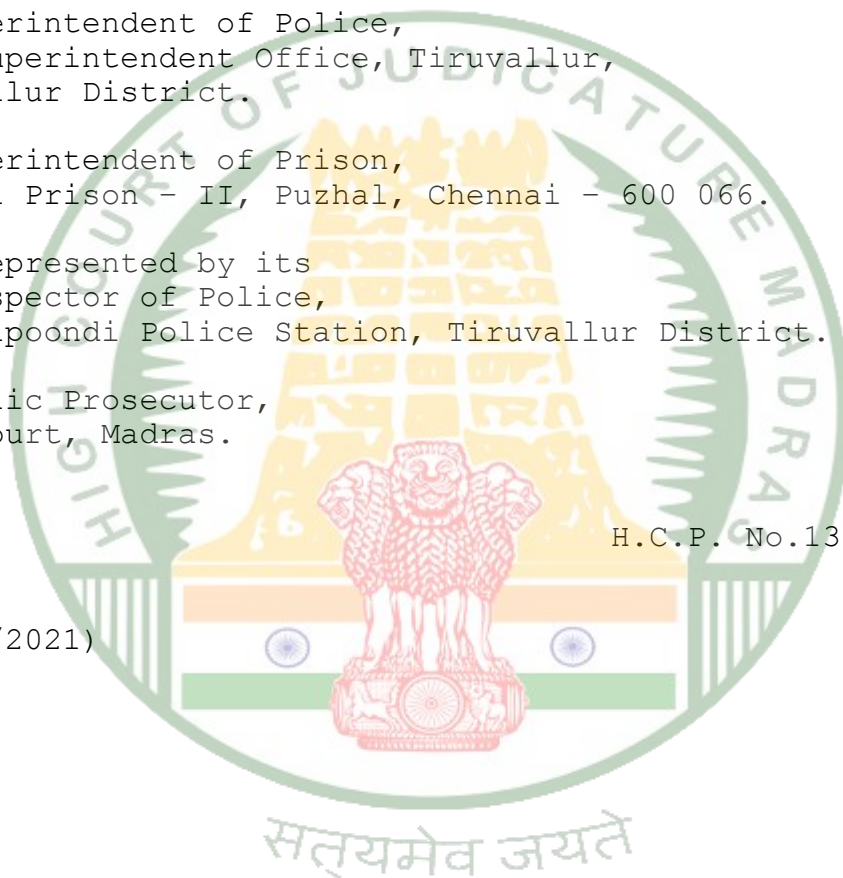
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To

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,  
Tiruvallur District, Tiruvallur.
- 3.The Superintendent of Police,  
O/o. Superintendent Office, Tiruvallur,  
Tiruvallur District.
- 4.The Superintendent of Prison,  
Central Prison - II, Puzhal, Chennai - 600 066.
- 5.State represented by its  
The Inspector of Police,  
Gummidipoondi Police Station, Tiruvallur District.
- 6.The Public Prosecutor,  
High Court, Madras.

H.C.P. No.1339 of 2020

MTI (CO)  
RMP (20/01/2021)



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