

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. 1487 of 2020

Bharathi

...Petitioner

Vs.

1. State of Tamil Nadu, Represented by its Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate, Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police, Tiruvannamalai District, Tiruvannamalai.
4. The Inspector of Police, Prohibition Enforcement Wing, Tiruvannamalai, Tiruvannamalai District.
5. The Superintendent, Central Prison, Vellore.

...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 Petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 18.06.2020 on the file of the second respondent herein made in proceedings in D.O.No.51/2020-C2 and quash the same as illegal and consequently direct the respondents herein to produce the said Petitioner's husband namely Elumalai, son of Arumugam, aged 55 years before this Court and set the petitioner's husband at liberty from detention, now Petitioner's husband detained at Central Prison, Vellore.

For Petitioner : Mr.M.Mohamed Saifullah
for Mr.C.C.Chellappan

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 Elumalai, son of Arumugam, aged 55 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.51/2020-C2 dated 18.06.2020, 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 ground case lab report 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 Nos. 37 & 38 of the booklet, it is clear that the ground case lab report 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 D.O.No.51/2020-C2 dated 18.06.2020, passed by the second respondent is set aside. The detenu, namely, Elumalai, son of Arumugam, aged 55 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. State of Tamil Nadu, Represented by its Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate, Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police, Tiruvannamalai District, Tiruvannamalai.
4. The Inspector of Police, Prohibition Enforcement Wing, Tiruvannamalai, Tiruvannamalai District.
5. The Superintendent, Central Prison, Vellore
6. The Public Prosecutor, High Court, Madras.
7. The Joint Secretary to Government, Public (Law and Order) Department, Secretariat, Chennai.

H.C.P. No.1487 of 2020

CO (NMI)
BDL/18/01/2021

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