

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2322 of 2019

Ramesh ... Petitioner/Son in Law of Detenue

Vs

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the entire records relating to petitioner's father in law detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 10.10.2019 on the file of the second respondent herein made in proceedings in C3/D.O./78/2019 and quash the same as illegal and consequently direct the respondents herein to produce the said Petitioner's father in law namely Ezhumalai son of Kannan, aged 53 years before this Court and set the petitioner's father in law at liberty from detention, now petitioner's father in law detained at Central Prison, Cuddalore.

For Petitioner : Mr.C.C.Chellappan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the son in law of the detenu Ezhumalai, S/o.Kannan, aged 53 years, who has been branded as a

"Bootlegger" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in C3/D.O./78/2019 dated 10.10.2019. Such order is under challenge herein.

2. The ground case has been registered against the detenu in Crime No.548 of 2019 on the file of P.E. Wing, Panruti for offences u/s. 4(1)(aaa), 4(1-A) & 14A of Tamil Nadu Prohibition Act, 1937.

3. Learned counsel for petitioner points out the discrepancy between English and Tamil version in respect of the remand order of the detenu dated 24.09.2019 furnished in the booklet and informs that the same has adversely affected his right of making an effective representation.

4. We have heard learned Additional Public Prosecutor on the above submissions.

5. When there is a variation between English and Tamil version in respect of the remand order, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India, on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

6. This Habeas Corpus Petition is allowed. The detention order passed by the second respondent against the detenu Ezhumalai, S/o.Kannan, made in C3/D.O./78/2019 dated 10.10.2019, is set aside. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

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

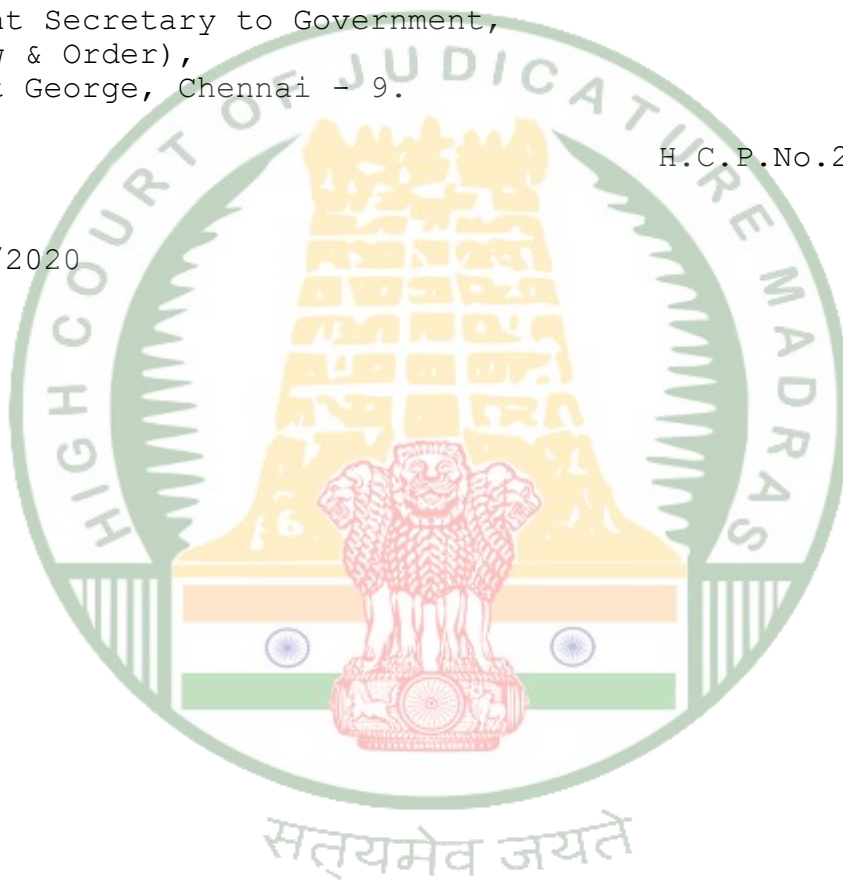
3.The Superintendent,
Central Prison,
Cuddalore.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

H.C.P.No.2322 of 2019

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