

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

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

H.C.P.No.2507 of 2019

S.Anandan
S/o.Selvaraj

...Petitioner/Brother of
Detenu

Vs

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
 2. The District Collector and District Magistrate,
Villupuram District,
Villupuram.
- ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents herein to produce the detenu viz., S.Manikandan S/o.Selvaraj, aged 24 years, who is detained under Act 14/82, by the District Collector and District Magistrate, Villupuram District, Villupuram, in his proceedings Rc.No.C2/27624/2019 dated 02.10.2019, who is now confined at Central Prison, Cuddalore, before this Court and quash the same and set him at liberty forthwith.

For Petitioner : Mr.A.N.Rajan

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 brother of the detenu viz., S.Manikandan S/o.Selvaraj, aged about 24 years, who has been branded as a 'Bootlegger' under the Tamil Nadu Act 14 of 1982 and detained

under order of second respondent passed in Rc.No.C2/27624/2019 dated 02.10.2019.

2. The alleged ground case has been registered against the detenu in Crime No.439 of 2019 on the file of Tindivanam Police Station for offences u/s.4(1)(aaa), 4(1-A), 4(1)(i) of Tamil Nadu Prohibition Act, 1937. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Learned counsel for petitioner submits that in the booklet furnished to the detenu, the Tamil version of 'Remand Order' is not available. Learned counsel informs that the same adversely has affected his right of making an effective representation.

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

6. Non-furnishing of Tamil version of 'Remand Order' would deprive the detenu the opportunity of making effective representation to the authorities concerned. The same, which amounts to an infringement of right enshrined under Article 22 (5) of the Constitution of India, would vitiate the order of detention. For the aforesaid reason, this Court would allow the present petition.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., S.Manikandan S/o.Selvaraj, aged about 24 years, in Rc.No.C2/27624/2019 dated 02.10.2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

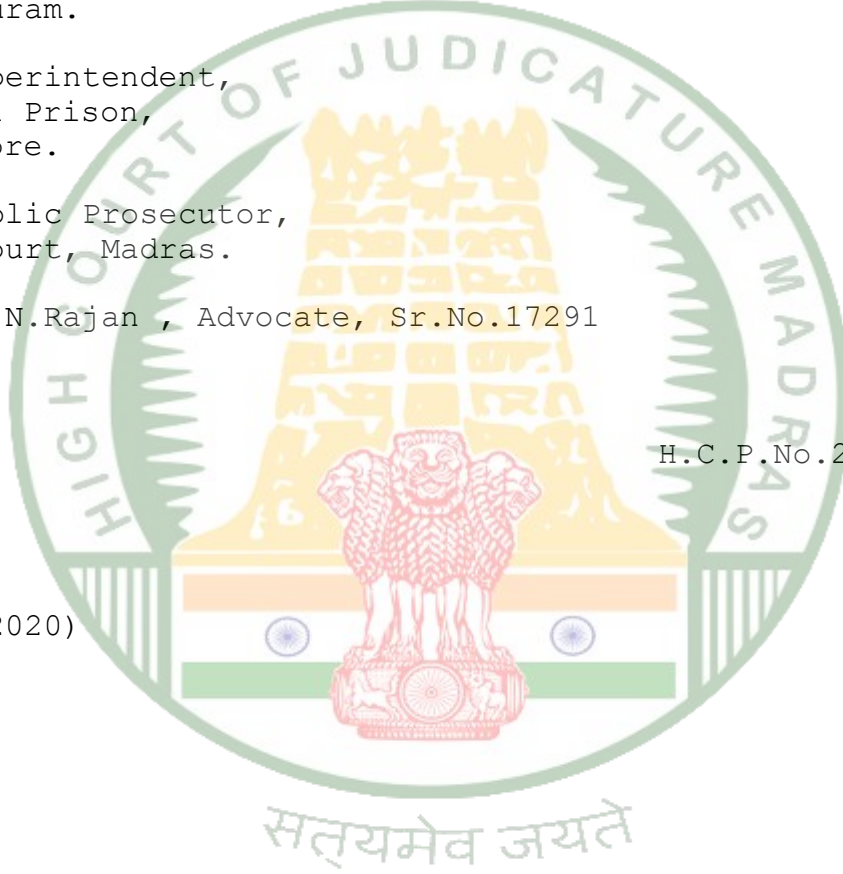
To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
2. The Joint Secretary to Govt, Public Law & Order,
Fort St.George, Chennai-9
3. The District Collector and District Magistrate,
Villupuram District,
Villupuram.
4. The Superintendent,
Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court, Madras.

+1cc to A.N.Rajan , Advocate, Sr.No.17291

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MR (CO)
GS (04/06/2020)



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