

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Date of Reservation	09.09.2020
Date of Judgment	23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM**AND****THE HONOURABLE MRS. JUSTICE T. KRISHNAVALLI****HCP (MD) No. 1214 of 2019**

Murugan : Petitioner / Father of the Detenu

Vs.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
State of Tamilnadu,
Fort St. George,
Chennai-600 009.

2. The District Collector and the District Magistrate,
Tirunelveli District,
Tirunelveli-9.

3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District. : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records, connected with the detention order of the respondent No. 2 in M.H.S. Confdl. No. 91/2019, dated 07.11.2019 and quash the same and direct the respondents to produce the detenu by name Maharajan, son of Murugan, aged about 28 years, now detained in Palayamkottai Central Prison before this court and set him at liberty forthwith and pass such further or other orders.

For Petitioner : Mr. R. Vinoth Bharathi

For Respondents : Mr. V. Neelakandan
Additional Public Prosecutor**O R D E R**[Order of the Court was made by **T. KRISHNAVALLI, J**]

The petitioner is the father of the detenu, namely Maharajan, aged 28 years. The detenu has been detained under the Tamil Nadu Act 14 of 1982 as per the order of the 2nd respondent in his proceedings in M.H.S. Confdl. No. 91/2019, 07.11.2019, branding him as "Goonda". Challenging the same, the petitioner is before this court with this



Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and also perused the materials available on record.

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3. Even though the learned counsel appearing for the petitioner raised various grounds assailing the order of detention, he mainly contended that the arrest of the detenu was not properly intimated and the relied on documents were not properly translated and the delay in passing the detention order was not explained and hence, the detention order passed against the detenu is liable to be set aside.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondents/State submitted that the arrest intimation of the detenu was properly sent and the relied on documents were properly translated and within reasonable time, the representation of the detenu was considered and rejected. It is further submitted that the 2nd respondent the detaining authority after satisfying with the cogent and relevant materials placed by the sponsoring authority passed the impugned order and there is no illegality in the impugned order and prays for dismissal of the Habeas Corpus Petition.

5. In this case, the Arrest Memo was perused. On perusal of the Arrest Memo, it reveals that the arrest was intimated to one Dharmalingam and the said Dharmalingam has also signed in the Arrest Memo. Hence, the arrest of the detenu was properly intimated.

6. On perusal of the remand order, it is seen that the accused was produced before the learned Magistrate on 29.10.2019 at 11.45 pm. But in the translation version, it is stated that the accused was produced in the morning at 11.45. Hence, it is only a clerical mistake in mentioning as morning 11.45 hours and not night and hence, it is held that it will not affect the right of the detenu. Further, on perusal of the documents annexed in the booklet, all the documents are properly translated. Hence, the argument put forth on the side of the petitioner that the booklets were not properly translated is not at all acceptable.

7. Further, the contention of the petitioner is that there was a delay in passing the detention order. On perusal of the detention order, there is only a reasonable delay in disposal of the representation.

8. We are of the view that the petitioner has not made out any case to quash the order of the 2nd respondent, which is impugned in the Habeas Corpus Petition.



9. In fine, the Habeas Corpus Petition fails and the same is dismissed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

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Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
State of Tamilnadu,
Fort St. George,
Chennai-600 009.
2. The District Collector and the District Magistrate,
Tirunelveli District,
Tirunelveli-9.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
4. The Joint Secretary to Government
Public (law & order),
Fort St. George, Chennai-9
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

HCP (MD) No.1214 of 2019
23.09.2020

SRK (CO)

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