

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.94 of 2021

B.Santhiya

.. Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Huzur Road,
Coimbatore City,
Coimbatore - 18.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Inspector of Police,
Law and Order,
B-2, R.S.Puram Police Station,
Coimbatore City.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in connection with the detention order passed in C.No.64/G/IS/2020 dated 12.10.2020 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband viz., S.Bharathidasan, son of Selvaraj, aged about 22 years, who is detained in Central Prison, Coimbatore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the wife of the detenu viz., S.Bharathidasan, son of Selvaraj, aged about 22 years. The detenu has been detained by the second respondent by his order in C.No.64/G/IS/2020 dated 12.10.2020, 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 Government Advocate (Crl.Side) 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 Government Order relating to the delegation of powers enclosed in Page Nos.427 & 428 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.The learned Government Advocate (Crl.Side) appearing for the respondents strongly opposed the habeas corpus petition by filing his counter.

5.On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.427 and 428 of the booklet, it is clear that the Government Order relating to the delegation of powers has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.64/G/IS/2020 dated 12.10.2020, passed by the second respondent is set aside. The detenu, viz.,

S.Bharathidasan, son of Selvaraj, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Huzur Road,
Coimbatore City,
Coimbatore - 18.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Inspector of Police,
Law and Order,
B-2, R.S.Puram Police Station,
Coimbatore City.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.94 of 2021

A.SK(11.06.2021)

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