

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.46 of 2021

Moorthy,
S/o.Masilamani

... Petitioner /
Father of the detenu

versus

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police /
Detaining Authority,
Huzur Road, Coimbatore City,
Coimbatore - 18.

3.The Superintendent of Police,
Central Prison - Coimbatore,
Coimbatore District.

4.State rep. by its
The Inspector of Police,
B-2 R.S.Puram Police Station,
Coimbatore District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 07.12.2020 on the file of the second respondent herein made in proceedings Memo C.No.73/G/IS/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely M.Madhavan @ Medi @ Mari @ Thakkali, S/o.Moorthy, aged 20 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

ORDER

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the father of M.Madhavan @ Medi @ Mari @ Thakkali, son of Moorthy, aged about 20 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo C.No.73/G/IS/2020 dated 07.12.2020, 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 we have also perused the records carefully. The learned Government Advocate (Crl. Side) has filed a counter and strongly opposed this Petition.

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 delegation of powers issued to the detaining authority 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.216 and 217 of the booklet, it is clear that the delegation of powers issued to the detaining authority 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 Memo C.No.73/G/IS/2020 dated 07.12.2020, passed by the second respondent is set aside. The detenu, namely, M.Madhavan @ Medi @ Mari @ Thakkali, son of Moorthy, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(AR IV)

//True Copy//

Sub Assistant Registrar

SRI

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police /
Detaining Authority,
Huzur Road, Coimbatore City,
Coimbatore - 18.

3.The Superintendent of Police,
Central Prison - Coimbatore,
Coimbatore District.

4.State rep. by its
The Inspector of Police,
B-2 R.S.Puram Police Station,
Coimbatore District.

5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.

6.The Public Prosecutor,
High Court, Madras.

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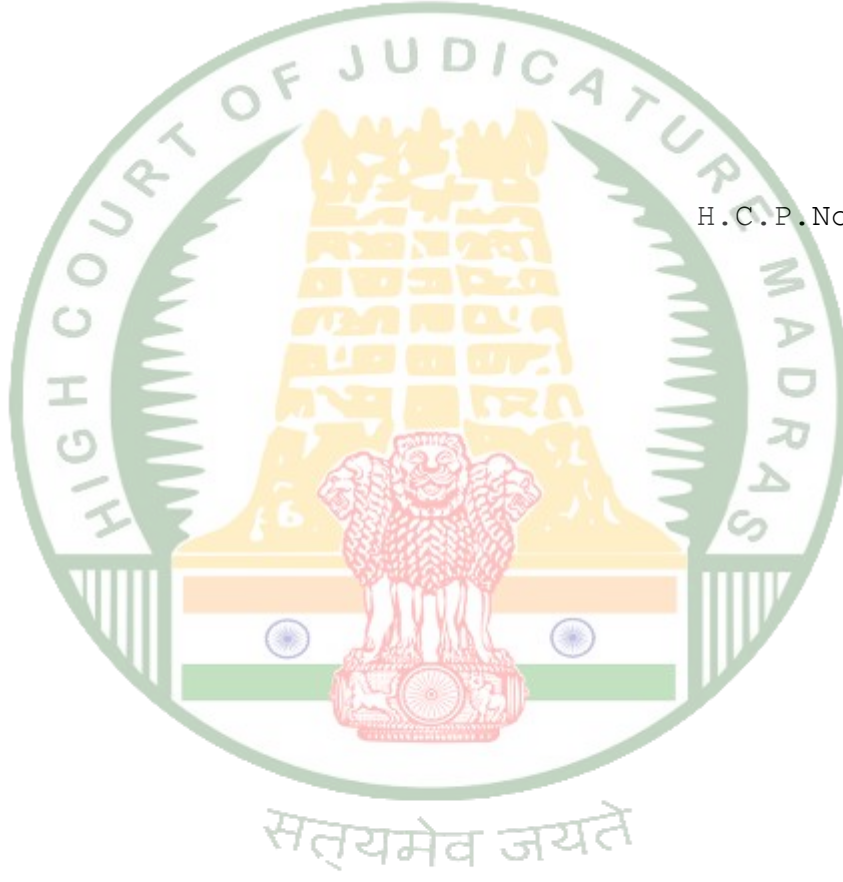
CP(CO)
CT(12/07/2021)



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P.N.PRAKASH, J.
AND
R.PONGIAPPAN, J.

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