

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.55 of 2021

Annamalai,
S/o.Padavettan

... Petitioner /
Father-in-law of the detenu

versus

- 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,
Tiruvannamalai District, Tiruvannamalai.
- 3.The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
- 4.The Inspector of Police,
Prohibition and Enforcement Wing,
Tiruvannamalai, Tiruvannamalai District.
- 5.The Superintendent,
Central Prison, Vellore.

... 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 petitioner's son-in-law detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 14.12.2020 on the file of the second respondent herein made in proceedings in D.O.No.136/2020-C2 and quash the same as illegal and consequently, direct the respondents herein to produce the said petitioner's son-in-law namely Anand @ Anandan, son of Munusamy, aged 35 years, before this Court and set the petitioner's son-in-law at liberty from detention, now petitioner's son-in-law detained at Central Prison, Vellore.

For Petitioner : Mr.C.C.Chellappan
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-in-law of Anand @ Anandan, son of Munusamy, aged about 35 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.136/2020-C2 dated 14.12.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 ground case lab report 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.54 and 55 of the booklet, it is clear that the ground case lab report 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 D.O.No.136/2020-C2 dated 14.12.2020, passed by the second respondent is set aside. The detenu, namely, Anand @ Anandan, son of Munusamy, aged about 35 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

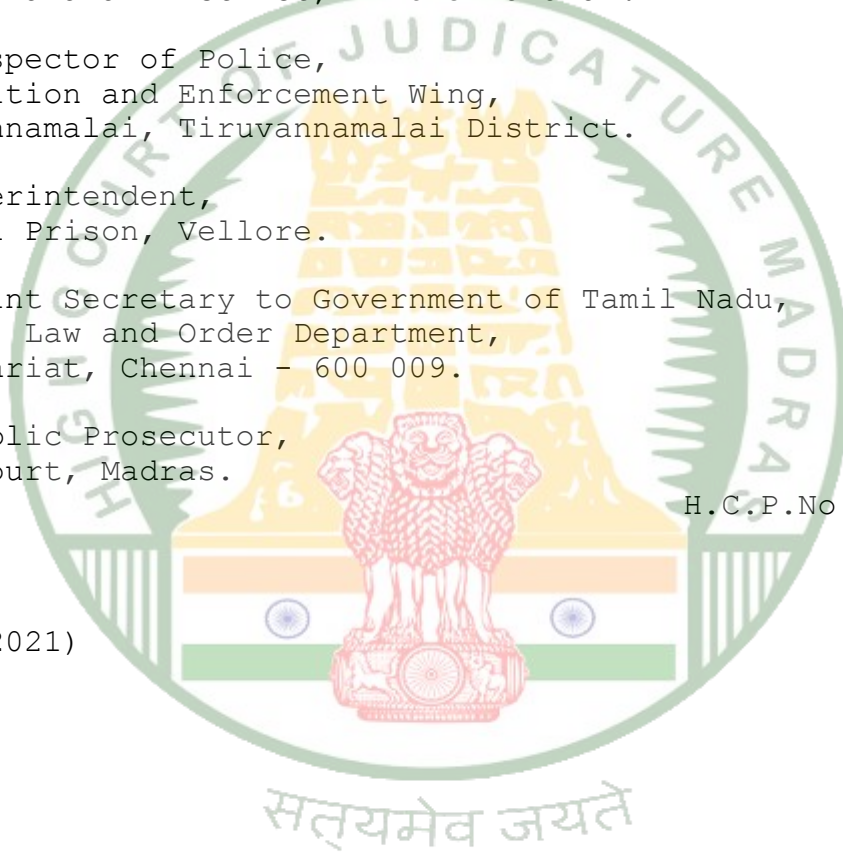
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To

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,
Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
4. The Inspector of Police,
Prohibition and Enforcement Wing,
Tiruvannamalai, Tiruvannamalai District.
5. The Superintendent,
Central Prison, Vellore.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.55 of 2021

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