

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.57 of 2021

Muniyammal

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai-9

2.The District Magistrate and District Collector
Tiruvallur District, Tiruvallur

3.The Superintendent of Police
Tiruvallur District, Tiruvallur

4.The Inspector of Police
Periyapalayam Police Station
Tiruvallur, Tiruvallur District

5.The Superintendent of Prison
Central Prison-II
Puzhal, Chennai-66

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the respondents to call for the records relating to the detention order Memo No.BCDFGISSSV No.54/2020, dated 10.11.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son viz., Kumar, the detainee aged about 30 years, S/o.Krishtaiya, now confined in Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Sugendran

For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

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

The petitioner is the mother of the detenu viz., Kumar, aged about 30 years, S/o.Krishtaiya. The detenu has been detained by the 2nd respondent by his order dated 10.11.2020 in BCDFGISSSV No.54/2020, 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 arrest intimation has not been properly 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) filed his counter affidavit and strongly opposed the Habeas Corpus Petition.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page No.19 of the booklet, it is clear that the arrest intimation has not been properly 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 BCDFGISSSV No.54/2020, dated 10.11.2020, passed by the 2nd respondent is set aside. The detenu viz., Kumar, aged about 30 years, S/o.Krishtaiya, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.
- 2.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai-9.
- 3.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.
- 4.The Superintendent of Police,
Tiruvallur District, Tiruvallur.
- 5.The Inspector of Police,
Periyapalayam Police Station,
Tiruvallur, Tiruvallur District.
- 6.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai-66.
- 7.The Public Prosecutor,
High Court, Madras.

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