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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

Coram

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

H.C.P.No.115 of 2021

Kamachi

W/o.Ulaganathan

.. Petitioner/Wife of the Detenu

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of Home, Prohibition
and Excise,
Fort St.George, Chennai - 600009.
- 2.The District Collector and District
Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
- 4.The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.
- 5.The Superintendent,
Central Prison,
Salem, Salem District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records in D.O.No.137/2020 C-2 dated 18.12.2020 on the file of second respondent herein and quash the same as illegal and direct the respondents to produce the detenu Ulaganathan S/o.Margapandhu, aged 48 years, now confined at Central Prison, Salem, before this Hon'ble Court and set him at liberty to secure ends of justice.



For Petitioner : Mr.R.Sankarasubbu
For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]

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ORDER

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

The petitioner is the wife of the detenu viz., Ulaganathan S/o.Margapandhu, aged 48 years. The detenu has been detained by the second respondent by his order in D.O.No.137/2020-C2 dated 18.12.2020, holding him to be a "Drug Offender", as contemplated under Section 2(e) 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. We have also perused the records produced by the Detaining Authority.

3. Though 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 pertaining to the ground case has not been translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, 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 No.27 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 D.O.No.137/2020-C2 dated 18.12.2020 passed by the second respondent is set aside. The detenu, viz., Ulaganathan S/o.Margapandhu, aged 48 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



To

- 1.The Secretary,
Department of Home, Prohibition and Excise,
Fort St.George, Chennai - 600009.
- 2.The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
- 4.The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.
- 5.The Superintendent,
Central Prison,
Salem, Salem District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government,
Public (Law & Order)
Fort St. George,
Chennai.-9

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srg 15/07/2021