



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.303 of 2021

Menaga

...Petitioner

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
3. The Superintendent of Police,
Chengalpattu District, Chengalpattu.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai-66.
5. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.

...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 order of detention passed by the second respondent dated 25.01.2021 in B.C.D.F.G.I.S.S.S.V.No.2/2021 against the petitioner's son Aravinth, aged about 22 years, son of Easudoss, who is confined at Central Prison, Puzhal, Chennai and to set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Senthilvel

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



ORDER

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

WEB COPY

The petitioner is the mother of the detenu Aravinth, aged about 22 years, son of Easudoss. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.2/2021 dated 25.01.2021, 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. We have also perused the records produced by the Detaining Authority.

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 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.211 of the booklet, it is clear that the arrest intimation 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 B.C.D.F.G.I.S.S.S.V.No.2/2021 dated 25.01.2021, passed by the second respondent is set aside. The detenu, viz., Aravinth, aged about 22 years, son of Easudoss, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsd



To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
3. The Superintendent of Police,
Chengalpattu District, Chengalpattu.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai-66.
5. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.303 of 2021

MG(CO)
LS(12/08/2021)