

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.334 of 2021

Parveen Banu,
M/o.Saddiq Basha

Petitioner /
Mother of the detenu

versus

1. The 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,
Office of the Superintendent of Police,
Tiruvannamalai District.
4. The Superintendent,
Central Prison, Vellore.
5. The Inspector of Police,
Vandavasi North Police Station,
Tiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent in D.O.No.130/2020-C2 dated 30.11.2020 against detenu, petitioner's son namely Satham Hussain, son of Saddiq Basha, aged about 21 years, who is now confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

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

ORDER

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

The petitioner is the mother of Satham Hussain, son of Saddiq Basha, aged about 21 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.130/2020-C2 dated 30.11.2020, 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 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 No.65 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in D.O.No.130/2020-C2 dated 30.11.2020, passed by the second respondent is set aside. The detenu, viz. Satham Hussain, son of Saddiq Basha, aged about 21 years,, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The 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,
Office of the Superintendent of Police,
Tiruvannamalai District.
- 4.The Superintendent,
Central Prison, Vellore.
- 5.The Inspector of Police,
Vandavasi North Police Station,
Tiruvannamalai District.
- 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.334 of 2021

RLD (CO)
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