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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.409 of 2021

Vijay @ Vellaiyan

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The District Magistrate & District Collector,
Salem, Salem District.
3. The Superintendent of Police,
Salem, Salem District.
4. The Superintendent of Prison,
Central Prison-Salem,
Salem District.
5. State represented by
The Inspector of Police,
Omalur Police Station,
Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the petitioner's detention under the Tamil Nadu Act 14 of 1982 vide detention order dated 04.02.2021 on the file of the second respondent herein made in proceedings Memo C.M.P.No.02/Goonda/C2/2021, quash the same as illegal and consequently direct the respondents to produce the petitioner



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viz., Vijay @ Vellaiyan, aged about 23 years, son of Ramar, before this Court and set him at liberty forthwith.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

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

The petitioner is the detenu , Vijay @ Vellaiyan, aged about 23 years, son of Ramar. The detenu has been detained by the second respondent by his order in C.M.P.No.02/Goonda/C2/2021 dated 04.02.2021, 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.202 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 C.M.P.No.02/Goonda/C2/2021 dated



04.02.2021, passed by the second respondent is set aside. The detenu, viz., , Vijay @ Vellaiyan, aged about 23 years, son of Ramar, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar (CS)

// True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai-600 009.
2. The District Magistrate & District Collector,
Salem, Salem District.
3. The Superintendent of Police,
Salem, Salem District.
4. The Superintendent of Prison,
Central Prison-Salem,
Salem District.
5. The Inspector of Police,
Omalur Police Station,
Salem 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.409 of 2021

RLD(CO)
SU(12/08/2021)