



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.579 of 2021

Punniavathi
W/o.Dhanusu

..Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Wing Department,
represented by State Government of Tamil Nadu,
Fort St.George Town,
Chennai.
2. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
3. The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
4. The Superintendent of Police,
Central Prison,
Tiruvannamalai,
Tiruvannamalai District.
5. The Inspector of Police,
Tiruvannamalai,
Tiruvannamalai.

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the records in the impugned detention order in proceedings No.D.O.No.11/2021-C2 dated 06.02.2021 on the file of the second respondent and quash the same and bring the body of the detenu Dhanusu S/o.Kannan, aged 38 years (now confined at Central Prison, Vellore) before this Court and set him at liberty.

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



ORDER

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

The petitioner is the wife of the detenu viz., Dhanusu S/o.Kannan, aged 38 years. The detenu has been detained by the second respondent by his order in D.O.No.11/2021-C2 dated 06.02.2021, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 remand order has not been properly translated. 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, it is clear that the remand order has not been properly translated. 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.11/2021-C2 dated 06.02.2021 passed by the second respondent is set aside. The detenu, viz., Dhanusu S/o.Kannan, aged 38 years, 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

gm



To

1. The Secretary to Government,
Home, Prohibition and Excise Wing Department,
Fort St.George Town,
Chennai.
2. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
3. The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
4. The Superintendent of Police,
Central Prison,
Vellore
Vellore District
5. The Inspector of Police,
Tiruvannamalai,
Tiruvannamalai.
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.579 of 2021

SJ(CO)
SP(24/08/2021)