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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.429 of 2021

A.Arthi

..Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.
- 2.The District Collector and District Magistrate,
Villupuram District, Villupuram.
- 3.The Superintendent of Police,
Villupuram, Villupuram District.
- 4.The Superintendent of Prison,
Central Prison,
Cuddalore.
- 5.The Inspector of Police,
Kottakuppam Police Station,
Villupuram 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 of the 2nd respondent in his proceedings in Rc.No.C2/4411/2021 dated 14.02.2021 to quash the same and consequently direct the respondents to produce the detenu Ajay, son of Ananthan, aged about 20 years, now confined in Central Prison, Cuddalore, set him at liberty forthwith.

For Petitioner : Mr.K.Sudhakar

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 sister of the detenu Ajay, son of Ananthan, aged about 20 years. The detenu has been detained by the second respondent by his order in Rc.No.C2/4411/2021 dated 14.02.2021, 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. The learned Government Advocate (Crl.Side) strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.41 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 Rc.No.C2/4411/2021 dated 14.02.2021, passed by the second respondent is set aside. The detenu, viz., Ajay, son of Ananthan, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar



To

1. The Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.
2. The District Collector and District Magistrate,
Villupuram District, Villupuram.
3. The Superintendent of Police,
Villupuram, Villupuram District.
4. The Superintendent of Prison,
Central Prison,
Cuddalore.
5. The Inspector of Police,
Kottakuppam Police Station,
Villupuram 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.429 of 2021

SJ(CO)
SP(18/08/2021)