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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

Coram

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

H.C.P.No.451 of 2021

Vijai

.. Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2.The District Magistrate & District Collector,
Villupuram District, Villupuram.

3.The Superintendent of Police,
Villupuram District, Villupuram.

4.The Superintendent,
Central Prison,
Cuddalore.

5.The Inspector of Police,
Gingee 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 records relating to the impugned order Rc.No.C2/4668/2021 dated 11.02.2021 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce viz., Murugan, son of Kumaravel, aged about 51 years, now confined at Central Prison, Cuddalore, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.S.Panneer Selvan

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 brother of the detenu Murugan, son of Kumaravel, aged about 51 years. The detenu has been detained by the second respondent by his order in Rc.No.C2/4668/2021 dated 11.02.2021, 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 remand extension order 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.62 of the booklet, it is clear that the remand extension order 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.C2/4668/2021 dated 11.02.2021, passed by the second respondent is set aside. The detenu, viz., Murugan, son of Kumaravel, aged about 51 years, 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 VI)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The District Magistrate & District Collector,
Villupuram District, Villupuram.
- 3.The Superintendent of Police,
Villupuram District, Villupuram.
- 4.The Superintendent,
Central Prison,
Cuddalore.
- 5.The Inspector of Police,
Gingee 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.451 of 2021

VSNII (CO)
PR (17/08/2021)