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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

Coram

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

H.C.P.No.566 of 2021

Chithra  
W/o.Mahalingam

.. Petitioner

Vs.

1.The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George, Chennai - 600 009.

2.The District Magistrate and District Collector,  
O/o.District Collector,  
Dharmapuri District.

3.The Prison Officer/Additional Superintendent  
of Police,  
Central Prison, Salem.

4.The Superintendent of Police,  
Dharmapuri District.

5.The Inspector of Police,  
Kadathur Police Station,  
Dharmapuri District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to produce the petitioner's son Vivekanandhan s/o.Mahalingam, aged about 23 years, who has been detained vide detention order in S.C.No.7 of 2021 on the file of second respondent dated 13.03.2021 before this Court, who is now confined at Central Prison, Salem and set him at liberty.



For Petitioner : Mr.S.Nambirajan

For Respondents : Mr.R.Muniyapparaj

Additional Public Prosecutor

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ORDER

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

The petitioner is the mother of the detenu viz., Vivekanandhan s/o.Mahalingam, aged about 23 years. The detenu has been detained by the second respondent by his order in S.C.No.7 of 2021 dated 13.03.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act, 14/1982. 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 Additional Public Prosecutor 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 arrest intimation pertaining to the ground case has not been properly translated in vernacular language. 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 Nos.33 and 34 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been properly 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 S.C.No.7 of 2021 dated 13.03.2021 passed by the second respondent is set aside. The detenu, viz., Vivekanandhan s/o.Mahalingam, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



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- 1.The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,  
O/o.District Collector,  
Dharmapuri District.
- 3.The Prison Officer/Additional Superintendent  
of Police,  
Central Prison, Salem.
- 4.The Superintendent of Police,  
Dharmapuri District.
- 5.The Inspector of Police,  
Kadathur Police Station,  
Dharmapuri 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.566 of 2021

LN(CO)  
SB(29/09/2021)