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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

Coram

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

H.C.P.No.641 of 2021

Thanigachalam

.. Petitioner/Father of detenue

Vs.

1. State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery,
Chennai - 600 007.
3. State represented by
The Inspector of Police (L & O),
P-5, M.K.B. Nagar Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling upon the production of the records relating to the detention order dated on 22.02.2021 made in detention order Memo No.55/BCDFGISSSV/2021 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's son Dineshwaran @ Dhadiya Dinesh, S/o.Thanigachalam, aged about 24 years, branded as Goondas and now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.Mohammed Aasif

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

ORDER

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

The petitioner is the father of the detenu Dineshwaran @ Dhadiya Dinesh, S/o.Thanigachalam, aged about 24 years. The detenu has been detained by the second respondent by his order in Memo No.55/BCDFGISSSV/2021 dated 22.02.2021, 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 properly 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 Nos.134 and 135 of the booklet, it is clear that the remand extension order 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 Memo No.55/BCDFGISSSV/2021 dated 22.02.2021, passed by the second respondent is set aside. The detenu, viz., Dineshwaran @ Dhadiya Dinesh, S/o.Thanigachalam,



aged about 24 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 (CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery,
Chennai - 600 007.
3. The Inspector of Police (L & O),
P-5, M.K.B. Nagar Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.641 of 2021

NR (CO)
SU (21/09/2021)