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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.687 OF 2021

P.Pavadai

... Petitioner/
Himself of Detenue

.Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent of Police,
Thiruvannamalai District.
4. The Superintendent,
Central Prison,
Vellore.
5. The Inspector of Police,
Vettavalam Police Station,
Thiruvannamalai District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order passed by the second respondent pertaining to the order made in D.O.No.18/2021-C2 dated 19.03.2021 in detain the detenu under 2(f) of the Tamil Nadu Act 14 of 1982, as a Goonda and quash the same and direct the respondents to produce the detenu Pavadai, son of Poongan, aged about 28 years, who is detained at Central Prison, Vellore, before this Court and set him at liberty.



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For Petitioner : Mr.G.Nirmal Krishnan
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu Pavadai, son of Poongan, aged about 28 years. The detenu has been detained by the second respondent by his order in D.O.No.18/2021-C2 dated 19.03.2021, 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 Additional Public Prosecutor 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 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.102 and 103 of the booklet, it is clear that the remand 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 D.O.No.18/2021-C2 dated 19.03.2021, passed by the second respondent is set aside. The detenu, viz., Pavadai, son of Poongan, aged about 28 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

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent of Police,
Thiruvannamalai District.
4. The Superintendent,
Central Prison,
Vellore.
5. The Inspector of Police,
Vettavalam Police Station,
Thiruvannamalai 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.687 OF 2021

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PBS/27/09/2021