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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.841 of 2021

Vajjiravel

... Petitioner

Vs.

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

2.The District Magistrate and District Collector
Tiruvallur District, Tiruvallur

3.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai District

4.The Superintendent of Police
Tiruvallur, Tiruvallur District

5.The Inspector of Police
Tiruttani Police Station
Tiruvallur District
(Crime No.300/2021)

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 30.04.2021 on the file of the 2nd respondent made in proceedings Memo B.C.D.F.G.I.S.S.S.V.No.64/2021, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son viz., Udhaya @ Udhayakumar, aged 23 years, S/o.Vajjiravel, before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at the Central Prison-II, Puzhal, Chennai.



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For Petitioner : Mr.G.P.Sivakumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the father of the detenu viz., Udhaya @ Udhayakumar, aged 23 years, S/o.Vajjiravel. The detenu has been detained by the 2nd respondent by his order dated 30.04.2021 in B.C.D.F.G.I.S.S.S.V.No.64/2021, 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 arrest intimation has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4.The learned Additional Public Prosecutor 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.148 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 B.C.D.F.G.I.S.S.S.V.No.64/2021, dated 30.04.2021, passed by the 2nd respondent is set aside. The detenu viz., Udhaya @ Udhayakumar, aged 23 years, S/o.Vajjiravel, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai-600 009.
- 2.The District Magistrate and District Collector
Tiruvallur District, Tiruvallur.
- 3.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai District.
- 4.The Superintendent of Police
Tiruvallur, Tiruvallur District.
- 5.The Inspector of Police
Tiruttani Police Station
Tiruvallur District.
- 6.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9.
- 7.The Public Prosecutor
High Court, Madras.

H.C.P.No.841 of 2021

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srg 10/11/2021