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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

Coram

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

H.C.P.No.842 of 2021

K.Nadhiya

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-9.
2. The District Collector and District Magistrate,
Kancheepuram District, Kancheepuram.
3. The Superintendent of Police,
Kancheepuram District, Kancheepuram.
4. The Superintendent,
Central Prison-II,
Puzhal, Chennai-66.
5. The Inspector of Police,
Prohibition Enforcement Wing,
Kancheepuram District, Kancheepuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in B.C.D.F.G.I.S.S.S.V.No.09/2021 on the file of the second respondent, quash the detention order dated 28.03.2021 and direct the production of the detenu Kalaiyarasan, son of Munusamy, presently detained at the Central Prison-II, Puzhal, under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.



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For Petitioner : Mr.S.Senthil vel
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 wife of the detenu Kalaiyarasan, son of Munusamy, aged about 40 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.09/2021 dated 28.03.2021, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 arrest intimation has not been fully 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 No.87 of the booklet, it is clear that the arrest intimation has not been fully 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.09/2021 dated 28.03.2021, passed by the second respondent is set aside. The detenu, viz., Kalaiyarasan, son of Munusamy, aged about 40



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 Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-9.
2. The District Collector and District Magistrate,
Kancheepuram District, Kancheepuram.
3. The Superintendent of Police,
Kancheepuram District, Kancheepuram.
4. The Superintendent,
Central Prison-II,
Puzhal, Chennai-66.
5. The Inspector of Police,
Prohibition Enforcement Wing,
Kancheepuram District, Kancheepuram.
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.842 of 2021

RLD(CO)
CT(17/09/2021)