

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH  
AND  
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

H.C.P.NO.1541 OF 2020

A.Pyarijan

.. Petitioner/  
wife of the detenu

Vs.

1. State represented by its  
Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,  
Detaining Authority,  
Coimbatore City, Coimbatore District.
3. The Commissioner of Police,  
Coimbatore City, Coimbatore.
4. The Inspector of Police,  
Crime D-2, Selvapuram Police Station,  
Coimbatore District.
5. The Superintendent,  
Coimbatore Central Prison,  
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the records leading to the detention of H.Hakim, aged about 43 years, son of Hanifa, under Act 14/1982 vide detention order dated 21.07.2020 on the file of the second respondent made in proceedings in C.No.50/G/IS/2020, quash the same, consequently direct the respondents herein to produce the body and person of H.Hakim, son of Hanifa, aged about 43 years, who is lodged at Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.C.D.Sugumar  
For Respondents: Mr.R.Prathap Kumar  
Additional Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM.]

The petitioner is the wife of the detenu, H.Hakkim, son of Hanifa, aged about 43 years. The detenu has been detained by the second respondent by its order dated 21.07.2020 in C.No.50/G/IS/2020, 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 and we have also perused the records carefully.

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 Government Order empowering the Commissioner of Police, Coimbatore, to invoke Act 14 has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this ground, 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.226 and 227 of the booklet, it is clear that the Government Order empowering the Commissioner of Police, Coimbatore, to invoke Act 14 has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.50/G/IS/2020 dated 21.07.2020, passed by the second respondent is set aside. The detenu, viz., H.Hakkim, son of Hanifa, aged about 43 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,  
Detaining Authority,  
Coimbatore City,  
Coimbatore District.
3. The Commissioner of Police,  
Coimbatore City,  
Coimbatore.
4. The Inspector of Police,  
Crime D-2, Selvapuram Police Station,  
Coimbatore District.
5. The Superintendent,  
Coimbatore Central Prison,  
Coimbatore 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.1541 of 2020

PMK (CO)  
CS/30/03/2021

सत्यमेव जयते

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