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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2021

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.1057 of 2021

Varalakshmi

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector and
District Magistrate,
Chengalpattu District,
Chengalpattu.
- 3.The District Superintendent of Police,
O/o, the District Superintendent of Police,
Chengalpattu District,
Chengalpattu.
- 4.The Superintendent of Prison,
Special Prison for Women,
Puzhal, Chennai - 600 066.
- 5.The Inspector of Police,
Prohibition Enforcement Wing,
Mamallapuram @ Thirukkazhukundram,
Chengalpattu District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected the order of the detention passed by the 2nd respondent pertaining to the order made in B.C.D.F.G.I.S.S.S.V No.13 of 2021 dated 03.04.2021 against the petitioner's mother-in-law, Selvi, W/o.Arumugam, aged about 53 years who is confined at Special Prison for Women, Puzhal, Chennai - 600 066 and set aside the same and direct the respondents to produce the detinue before this Hon'ble Court and set her liberty.



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For Petitioner : Mr.A.Venkatesan

For Respondents: Mr.R.Muniyappraj
Additional Public Prosecutor

ORDER

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

The petitioner is the daughter-in-law of the detenue Selvi, W/o.Arumugam, aged about 53 years. The detenue has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V No.13 of 2021 her to be a "BOOTLEGGER", as contemplated under Section 3(1) 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. He further submitted that the detaining authority, while detaining the detenue, has not furnished the legible copies of the documents relied on by him. This deprived the detenue 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 No.107 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.13 of 2021 dated 03.04.2021, passed by the second respondent is set aside. The detenue, viz., Selvi, W/o.Arumugam, aged about 53 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar



- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9.
- 3.The District Collector and
District Magistrate,
Chengalpattu District,
Chengalpattu.
- 4.The District Superintendent of Police,
O/o, the District Superintendent of Police,
Chengalpattu District,
Chengalpattu.
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- 6.The Inspector of Police,
Prohibition Enforcement Wing,
Mamallapuram @ Thirukkazhukundram,
Chengalpattu District.
- 7.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Venkatesan, Advocate, S.R.No.64486

H.C.P.No.1057 of 2021

KG(CO)
SB(13/12/2021)