

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.1878 of 2020

Meenakshi

.. Petitioner

Vs.

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

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

3.The Superintendent of Police,
O/o.Superintendent Office,
Villupuram, Villupuram District.

4.The Superintendent of Central Prison,
Central Prison - Cuddalore,
Cuddalore District.

5.State represented by
The Inspector of Police,
PEW - Villupuram Police Station,
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order dated 27.09.2020 on the file of the second respondent herein made in proceedings memo Rc.No.C2/20695/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother viz., Vijay, son of Murugan, aged about 26 years, before this Court and set the petitioner's brother at liberty from detention, now the petitioner's brother detained at Central Prison, Cuddalore.

For Petitioner : Mr.A.Yogaraj
For Respondents Mr.R.Prathap Kumar,
: Addl. Public Prosecutor

ORDER

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

The petitioner is the sister of Vijay, son of Murugan, aged about 26 years, who is the detenu. The detenu has been detained by the second respondent by his order in Rc.No.C2/20695/2020 dated 27.09.2020, 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 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 remand order 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.On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.23 of the booklet, it is clear that the remand order 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 Rc.No.C2/20695/2020 dated 27.09.2020, passed by the second respondent is set aside. The detenu, namely, Vijay, son of Murugan, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Villupuram District, Villupuram.
- 3.The Superintendent of Police,
O/o.Superintendent Office,
Villupuram, Villupuram District.
- 4.The Superintendent of Central Prison,
Central Prison - Cuddalore,
Cuddalore District.
- 5.The Inspector of Police,
PEW - Villupuram Police Station,
Villupuram 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.1878 of 2020

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