

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.1905 of 2020

Jothi,
W/o.Kannan

...

Petitioner /
Mother of the detenu

versus

1.The State of Tamilnadu,
Represented by Secretary to Government,
Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.

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

3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.

4.The Superintendent of Prison,
Central Prison II, Puzhal, Chennai.

5.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order dated 24.06.2020 passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.15/2020 and quash the same and direct the respondents herein to produce the petitioner's son Mathi @ Mathivannan @ Mathiyazhagan, son of Kannan, aged 26 years, who is presently undergoing detention in the Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner

: M/s.G.Gayathri

For Respondents

: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the detenu, Mathi @ Mathivannan @ Mathiyazhagan, son of Kannan, aged about 26 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.15/2020 dated 24.06.2020, 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 we have also perused the records carefully. The learned Additional Public Prosecutor has filed a counter and strongly opposed this Petition.

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 Suo Motu W.P.(MD)No.6126 of 2020 dated 01.06.2020 which has been enclosed in page nos.53 to 62 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 Nos.53 to 62 of the booklet, it is clear that Suo Motu W.P.(MD)No.6126 of 2020 dated 01.06.2020 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 B.C.D.F.G.I.S.S.S.V.No.15/2020 dated 24.06.2020, passed by the second respondent is set aside. The detenu, viz. Mathi @ Mathivannan @ Mathiyazhagan, son of Kannan, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS.III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
State of Tamilnadu,
Prohibition & Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and
District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
- 4.The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai.
- 5.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.
- 7.The Public Prosecutor,
High Court, Madras.

akm/29.04.21 /3p-8c/

सत्यमेव जयते

H.C.P.No.1905 of 2020
26.04.2021

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