

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

Coram

THE HON'BLE MR. JUSTICE P.N.PRAKASH  
AND  
THE HON'BLE MR. JUSTICE V.SIVAGNANAM

H.C.P. No. 1992 of 2020

G.Mayavan

.. Petitioner

Vs

1.The State of Tamil Nadu rep. by  
its Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 9.

2.The District Collector & District Magistrate,  
Cuddalore District, Cuddalore.

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

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

5.The Inspector of Police,  
Mandarakupam Police Station,  
Cuddalore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to call for the records in C3/D.O./59/2020 dated 17.05.2020 on the file of the second respondent and quash the same as illegal and consequently direct the respondents to produce the petitioner's son Thiru.Asai @ Maniarasan, Son of Mayavan, aged about 24 years, who is now detained in Central Prison, Cuddalore, before this Court and set him at liberty.

For Petitioner : Mr.K.Gandhi Kumar

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

ORDER

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

The petitioner is the father of the detenu, Asai @ Maniarasan, Son of Mayavan, aged about 24 years. The detenu has been detained by the second respondent by his order in C3/D.O./59/2020 dated 17.05.2020 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. 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 bail order pertaining to the similar case 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. 205 and 206 of the booklet, it is clear that the bail order pertaining to the similar case 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 C3/D.O./59/2020 dated 17.05.2020 passed by the second respondent is set aside. The detenu, namely, Asai @ Maniarasan, Son of Mayavan, aged about 24 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, Chennai - 9.
- 2.The District Collector & District Magistrate,  
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,  
Cuddalore District, Cuddalore.
- 4.The Superintendent,  
Central Prison, Cuddalore - 4.
- 5.The Inspector of Police,  
Mandarakuppam Police Station,  
Cuddalore District.
- 6.The Joint Secretary to Government,  
Public, Law and Order,  
Secretariat, Chennai.
- 7.The Public Prosecutor,  
High Court, Madras.

GMR (CO)  
SM/25/02/2021

H.C.P. No. 1992 of 2020

सत्यमेव जयते

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