

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

Coram

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

H.C.P.No.2026 of 2020

Valli

.. Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Coimbatore City.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Inspector of Police,
C-1, Kattoor Police Station,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order passed by the second respondent pertaining to the order made in C.No.59/G/IS/2020 dated 07.10.2020 in detain the detenu under 2(b) of the Tamil Nadu Act 14 of 1982, as a Goonda and quash the same and direct the respondent to produce the detenu K.Arumugam, son of Krishnan, aged about 42 years, who is detained at Central Prison, Coimbatore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Nirmal Krishnan
For Respondents : Mr.J.C.Durairaj
Govt. Advocate
(Crl.Side)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the wife of the detenu viz., K.Arumugam, son of Krishnan, aged about 42 years. The detenu has been detained by the second respondent by his order in C.No.59/G/IS/2020 dated 07.10.2020, 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 Government Advocate (Crl.Side) 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 delegation of powers issued to the detaining authority 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.The learned Government Advocate (Crl.Side) appearing for the respondents strongly opposed the habeas corpus petition by filing his counter.

5.On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.407 and 408 of the booklet, it is clear that the delegation of powers issued to the detaining authority 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 C.No.59/G/IS/2020 dated 07.10.2020, passed by the second respondent is set aside. The detenu, viz., K.Arumugam, son of Krishnan, aged about 42 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 Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Coimbatore City.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Inspector of Police,
C-1, Kattoor Police Station,
Coimbatore.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2026 of 2020

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