

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2021

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and

The Hon'ble Ms. Justice R.N.MANJULA

H.C.P. No.2207 of 2020

K.Palanisamy

... Petitioner

-vs-

1.State rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police/Detaining Authority,
Coimbatore City,
Coimbatore.

3.The Inspector of Police ,
B-2, R.S.Puram Police Station,
Coimbatore.

4.The Superintendent,
Central Prison,
Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records culminating in the detention of petitioner's son P.Madhan Prabhu, son of K.Palanisamy under the Act 14 of 1982 vide detention Order dated 09.10.2020 on the file of the second respondent herein made in Proceeding C.No.62/G/IS/2020 and quash the same as illegal and consequently direct the respondent herein to produce the body and person of the said detenu Madhan Prahbu, son of K.Palanisamy before this Court and thereafter set him at liberty from the Central Prison, Coimbatore.

For Petitioner : Mr.D.Chandrasekar

For Respondents : Mr.R.Muniyapparaj

Government Advocate (Crl. Side)

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner is the father of the detenu - P.Madhan Prabhu, son of K.Palanisamy, male, aged 41 years. The detenu has been detained by the second respondent by his order in C.No.62/G/IS/2020 dated 09.10.2020, 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 (Criminal Side) 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 Government Order based on which the detention order has been passed, has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, the detention order is liable to be quashed.

4. Learned Government Advocate (Crl. Side) submitted that mere non-translation of the Government Order will not vitiate the order impugned. Thus, the habeas corpus petition will have to be dismissed.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.331 and 332 of the booklet, it is clear that the Government Order, which was relied upon by the detaining authority has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.62/G/IS/2020 dated 09.10.2020, passed by the second respondent is set aside. The detenu, namely, P.Madhan Prabhu, son of K.Palanisamy, aged 41 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/sni

To

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

2.The Commissioner of Police/Detaining Authority,
Coimbatore City,
Coimbatore.

3.The Inspector of Police ,
B-2, R.S.Puram Police Station,
Coimbatore.

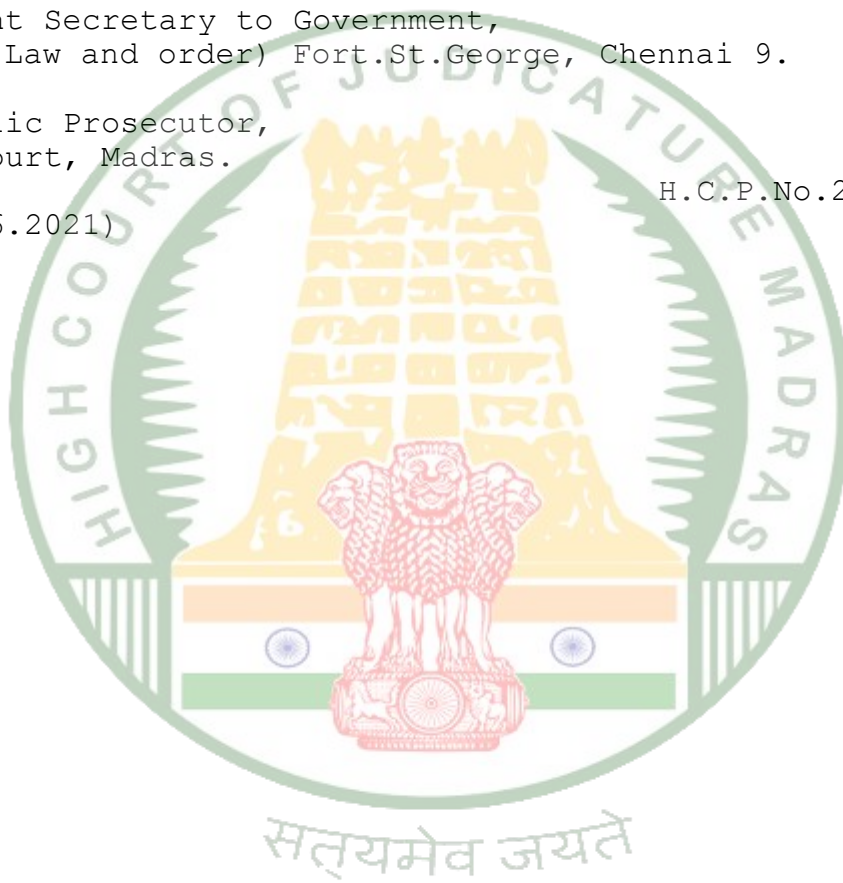
4.The Superintendent,
Central Prison,
Coimbatore.

5.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.

6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2207 of 2020

A.SK(10.06.2021)



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