

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.2119 of 2020

Ganesh

... Petitioner

-vs-

1.State of Tamilnadu,

Rep. by its Secretary to Government,
Prohibition and 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.

5.The Inspector of Police,
F-2, Sipcot Police Station,
Thiruvallur District.

... 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 dated 20.10.2020 passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.47 of 2020, quash the same and direct the respondents herein to produce the petitioner's brother Manikandan, son of Palani, aged 32 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.Muniyapparaj

Government Advocate (Crl. Side)

ORDER

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

The petitioner is the brother of the detenu - Manikandan, son of Palani, aged 32 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.47 of 2020, dated 20.10.2020, 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 arrest intimation 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.52 of the booklet, it is clear that the arrest intimation 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.47 of 2020 dated 20.10.2020, passed by the second respondent is set aside. The detenu, namely, Manikandan, son of Palani, aged 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

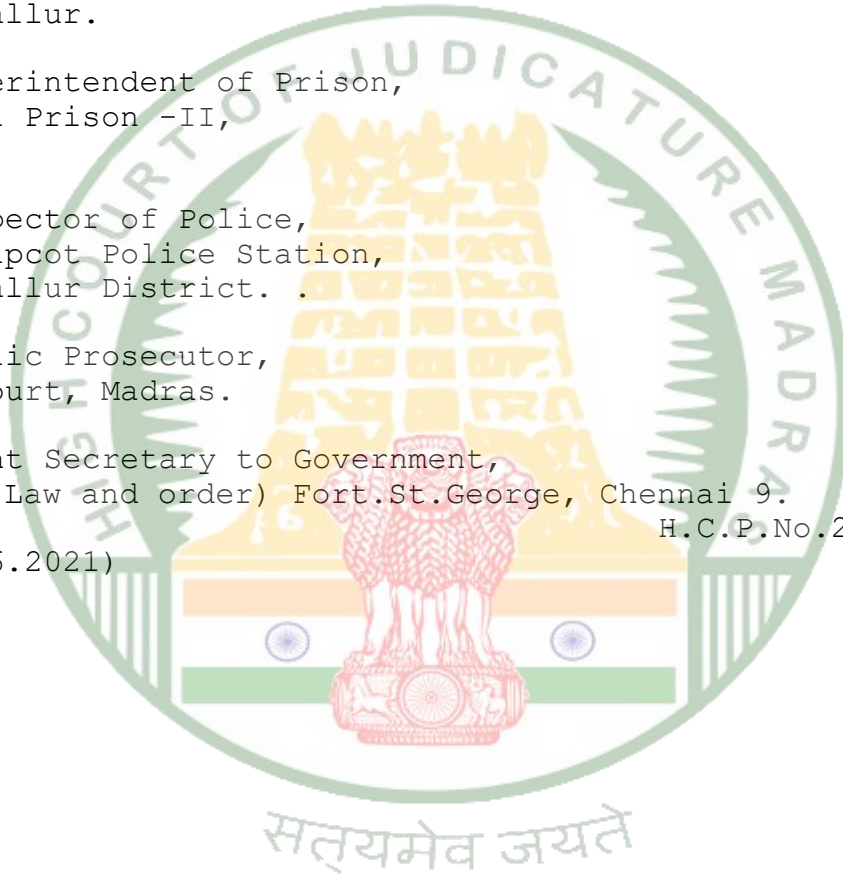
Sub Assistant Registrar

raa/mmi

To

- 1.The Secretary,
Prohibition and 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.
 - 5.The Inspector of Police,
F-2, Sipcot Police Station,
Thiruvallur District. .
 - 6.The Public Prosecutor,
High Court, Madras.
 - 7.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- A.SK(10.06.2021)

H.C.P.No.2119 of 2020



WEB COPY