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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2021

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.2181 of 2020

Sharmila Banu

..Petitioner/Wife of Detenue

Vs.

1.The Secretary to Government  
Home, Prohibition and Excise Department  
Secretariat, Fort St. George, Chennai-9

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

3.The Superintendent of Police  
O/o.The Superintendent of Police,  
Tiruppur, Tiruppur District

4.The Superintendent of Central Prison  
Central Prison-Coimbatore  
Coimbatore District

5.State rep. by its  
The Inspector of Police  
Palladam Police Station  
Tiruppur 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 relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 26.10.2020 on the file of the 2<sup>nd</sup> respondent herein made in proceedings Memo No.Cr.M.P.No.30/Goonda/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband viz., Mubarak Ali, aged about 27 years, S/o.Late Abdul Majeeth, before this Hon'ble Court and set him at liberty from detention, now the detenu is detained at Central Prison, Coimbatore.



For Petitioner : Mr.W.Camyles Gandhi  
For Respondents : Mr.R.Muniyapparaj  
Government Advocate (Crl. Side)

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O R D E R

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

The petitioner is the wife of the detenu viz., Mubarak Ali, aged about 27 years, S/o.Late Abdul Majeeth. The detenu has been detained by the 2<sup>nd</sup> respondent by his order dated 26.10.2020 in Cr.M.P.No. 30/Goonda/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. 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 properly 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.201 to 203 of the booklet, it is clear that the arrest intimation has not been properly 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 Cr.M.P.No.30/Goonda/2020, dated 26.10.2020, passed by the 2<sup>nd</sup> respondent is set aside. The detenu viz., Mubarak Ali, aged about 27 years, S/o.Late Abdul Majeeth, is directed to be released forthwith, unless his detention is required in connection with any other case.

s/d-  
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government  
Home, Prohibition and Excise Department  
Secretariat, Fort St. George, Chennai-9
- 2.The Joint Secretary to Government  
Public, Law and Order Department  
Secretariat, Chennai-9
- 3.The District Magistrate and District Collector  
Tiruppur District, Tiruppur
- 4.The Superintendent of Police  
O/o.The Superintendent of Police,  
Tiruppur, Tiruppur District
- 5.The Superintendent of Central Prison  
Central Prison-Coimbatore  
Coimbatore District
- 6.The Inspector of Police  
Palladam Police Station  
Tiruppur District
- 7.The Public Prosecutor  
High Court, Madras

H.C.P.No.2181 of 2020

SVI (CO)  
EU 20/07/2021