

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice R.N.MANJULA

H.C.P. No.2261 of 2020

Parvathi

... Petitioner

-vs-

1. The State of Tamil Nadu
Rep. By the Secretary,
Home Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai 600 007.
3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District
4. The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.

...

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 in Memo No.405/BCDFGISSSV/2020, dated 12.10.2020 passed by the 2nd respondent under the TamilNadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Vijiyakumar @ Kavankarai Vijai S/o.Anandhan aged about 31 years the detenu, now confined in Central Prison, Cuddalore before the Hon'ble Court and set the petitioner's son Vijiyakumar @ Kavankarai Vijai S/o.Anandhan, aged about 31 years the detenu herein at liberty.

For Petitioner : Mr.M.Thamilselvan

For Respondents : Mr.R.Muniyapparaj
Government Advocate (Cr1. Side)

ORDER

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

The petitioner is the mother of the detenu - Vijiyakumar @ Kavankarai Vijai S/o.Anandhan, aged about 31 years. The detenu has been detained by the second respondent by his order in Memo No.405/BCDFGISSSV/2020, dated 12.10.2020, 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 remand order 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.102 to 105 of the booklet, it is clear that the remand order has not been properly 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 Memo No.405/BCDFGISSSV/2020, dated 12.10.2020 passed by the second respondent is set aside. The detenu, namely, Vijiyakumar @ Kavankarai Vijai S/o.Anandhan, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raa/Vv

To

1.The Secretary, State of Tamil Nadu,
Home Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

2.The Joint Secretary to Government,
Public Law & Order Department,
Secretary, Chennai-600 009.

3.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai 600 007.

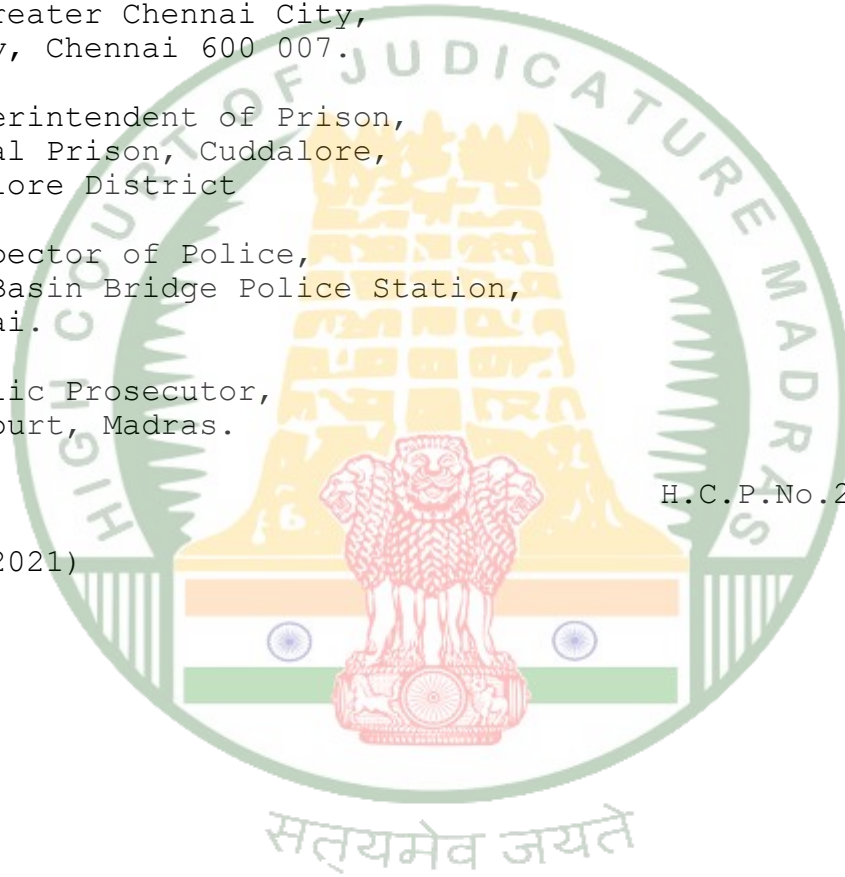
4.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District

5.The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.

6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2261 of 2020

JPL(CO)
CB(14/06/2021)



WEB COPY