

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2420 of 2020

V.Valarmathi,
W/o.Vignesh

..... Petitioner /
Wife of the detenu
versus

- 1.The District Magistrate and
District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The Government of Tamilnadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 3.The Superintendent,
Central Prison-II, Puzhal,
Chennai.
- 4.The Superintendent of Police,
Tiruvallur, Tiruvallur District.
- 5.The Inspector of Police,
Manavalanagar Police Station,
Tiruvallur, Tiruvallur District.

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records of the first respondent culminating with the order of detention bearing No.B.C.D.F.G.I.S.S.S.V. No.62/2020 dated 12.11.2020 passed by the first respondent herein detaining petitioner's husband Vignesh @ Vikki @ Dio Vikki under Section Act XIV of 1982 and quash the same and direct the respondents to produce the body of the person of the detenu, Vignesh @ Vikki @ Dio Vikki, S/o.Pushparaj, Male, aged about 23 years, before this Court, now detained in the Central Prison II, Puzhal, Chennai and thereby set him at liberty.

For Petitioner : Mr.M.Jaikumar
For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the wife of Vignesh @ Vikki @ Dio Vikki, son of Pushparaj, aged about 23 years, who is the detenu. The detenu has been detained by the first respondent by his order in Memo No.B.C.D.F.G.I.S.S.S.V. No.62/2020 dated 12.11.2020, 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 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.120 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 Memo No.B.C.D.F.G.I.S.S.S.V. No.62/2020 dated 12.11.2020, passed by the first respondent is set aside. The detenu, viz. Vignesh @ Vikki @ Dio Vikki, son of Pushparaj, aged about 23 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

sri

To

1.The District Magistrate and
District Collector,
Tiruvallur District,
Tiruvallur.

2.The Government of Tamilnadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

3.The Superintendent,
Central Prison-II, Puzhal,
Chennai.

4.The Superintendent of Police,
Tiruvallur, Tiruvallur District.

5.The Inspector of Police,
Manavalanagar Police Station,
Tiruvallur, Tiruvallur District.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2420 of 2020

MG(CO)
GN(22/06/2021)



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