

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.2443 of 2020

Vasumathi

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
 - 2.The District Collector and
District Magistrate,
Thiruvallur District, Thiruvallur.
 - 3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.
 - 4.The Superintendent of Police,
Central Prison - II, Puzhal.
 - 5.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
- Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order dated 17.06.2020 passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.11/2020 and quash the same and direct the respondents herein to produce the petitioner's son Manikandan, son of Sivakumar, aged about 20 years, who is presently undergoing detention in the Central Prison-II, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner	: Mr.D.Gopi Krishnan for Ms.M.Udayavani
For Respondents	Mr.R.Prathap Kumar, : Addl. Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Manikandan, son of Sivakumar, aged about 20 years. The detenu has been detained by the second respondent by its order dated 17.06.2020 in B.C.D.F.G.I.S.S.S.V.No.11/2020, holding him to be a "Goondas", as contemplated under Section 2(f) of the 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 Additional Public Prosecutor 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 extension of interim orders in suo motu W.P.(MD).No.6126 of 2020 has not been translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, 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.85 to 94 of the booklet, it is clear that the extension of interim orders in suo motu W.P.(MD).No.6126 of 2020 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.11/2020 dated 17.06.2020, passed by the second respondent is set aside. The detenu, viz., Manikandan, son of Sivakumar, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

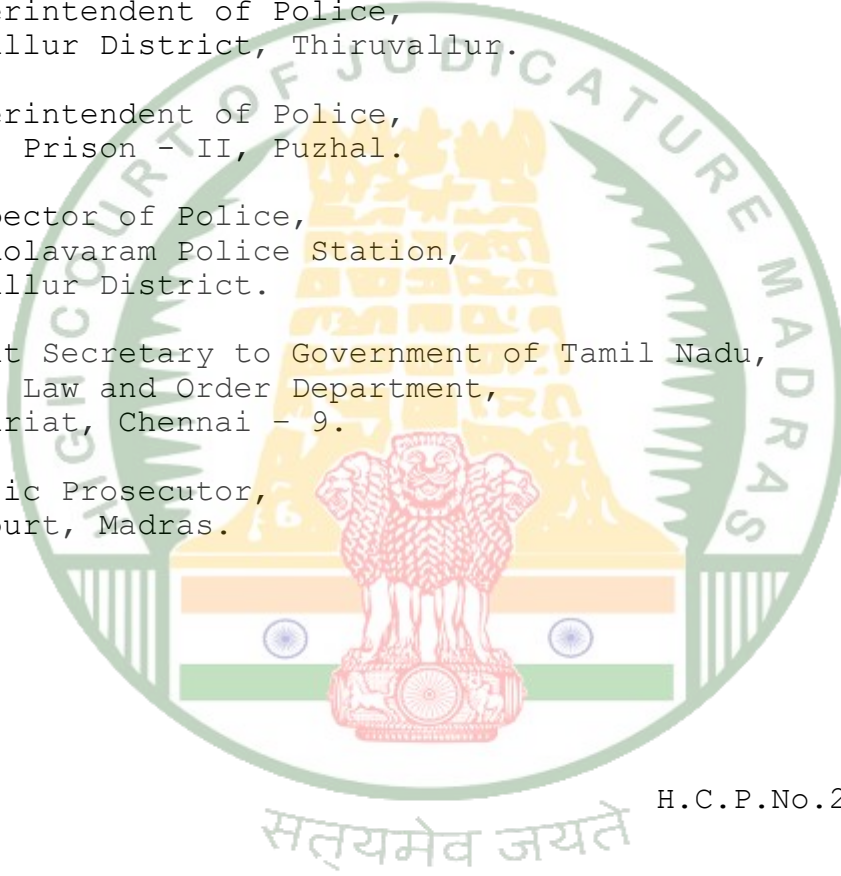
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Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Thiruvallur District, Thiruvallur.
- 3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.
- 4.The Superintendent of Police,
Central Prison - II, Puzhal.
- 5.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.



H.C.P.No.2443 of 2020

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