



H.C.P.No.210 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

Coram

The Honourable Mr. Justice **S.VAIDYANATHAN**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

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Selvi

.. Petitioner

Vs

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Salem District,
Salem.
- 3.The Superintendent of Police,
Salem District,
Salem.
- 4.The Superintendent of Prison,
Special Prison for Women,
Coimbatore.
- 5.The Inspector of Police,
Thalaivasal Police Station,
Salem District.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 08.01.2022 in C.M.P.No.1/B.L.A./C2/2022 against the petitioner's mother Sivakami, Female, aged 50 years, W/o Kaliyamoorthy, who is confined at Special Prison for Women, Coimbatore and set aside the same and direct the respondents to produce the detainee before the Court and set her at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

ORDER

S.VAIDYANATHAN, J.

and

A.D.JAGADISH CHANDIRA, J.

The petitioner is the daughter of the detainee Sivakami, Female, aged 50 years, W/o Kaliyamoorthy. The detainee has been detained by the second respondent by his order in C.M.P.No.1/B.L.A./C2/2022 dated 08.01.2022, holding her to be a "Bootlegger", as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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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 arrest intimation has not been properly translated in vernacular language. This deprived the detainee 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.75 and 76 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 C.M.P.No.1/B.L.A./C2/2022 dated 08.01.2022,



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passed by the second respondent is set aside. The detenue, viz., Sivakami, Female, aged 50 years, W/o Kaliyamoorthy, is directed to be released forthwith unless her detention is required in connection with any other case.

(S.V.N., J.) (A.D.J.C., J.)
07.07.2022

Index: Yes/No
nsd



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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Salem District, Salem.
- 3.The Superintendent of Police,
Salem District, Salem.
- 4.The Superintendent of Prison,
Special Prison for Women, Coimbatore.
- 5.The Inspector of Police,
Thalaivasal Police Station,
Salem 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.



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S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

nsd

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