



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

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Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.318 of 2022

Senthilnathan

... Petitioner

Vs.

1.State of Tamil Nadu represented by

The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The District Magistrate and District Collector
of Tiruvallur District,
Tiruvallur District.

3.The Superintendent,
Central Prison-II,
Puzhal,
Chennai - 66.

4.The Inspector of Police,
E-3, Minjur Police Station,
Tiruvallur District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the records relating to the detention order in Memo No.B.C.D.F.G.I.S.S.S.V.No.111/2021 dated 30.09.2021 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Gokul @ Gokulnath, S/o.Senthilnathan, the detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's son Gokul @ Gokulnath, S/o.Senthilnathan, aged about 21 years, the detenu herein, at liberty.



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For Petitioner : Mr.V.Mannar

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

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the father of the detenu Gokul @ Gokulnath, S/o.Senthilnathan, aged about 21 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.111/2021 dated 30.09.2021, 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 Additional Public Prosecutor 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. 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.40 and 41 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 B.C.D.F.G.I.S.S.S.V.No.111/2021 dated



30.09.2021, passed by the second respondent is set aside. The detenu, viz., Gokul @ Gokulnath, S/o.Senthilnathan, aged about 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

nsd
To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and District Collector
of Tiruvallur District,
Tiruvallur District.
- 3.The Superintendent,
Central Prison-II,
Puzhal,
Chennai - 66.
- 4.The Inspector of Police,
E-3, Minjur Police Station,
Tiruvallur District.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.318 of 2022

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