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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mr.JUSTICE A.A.NAKKIRAN

H.C.P.No.327 of 2022

Venkatesa Pandian

.. Petitioner

Vs.

1.State rep. by
The Secretary
Home, Prohibition and Excise Department
Fort St. George, Chennai-9

2.The District Magistrate and District Collector
Tiruvallur District

3.The Superintendent of Police
Tiruvallur District

4.The Superintendent of Police
Central Prison-II
Puzhal, Chennai-66

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

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in BCDFGISSSV No.110/2021 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 respondent to produce the petitioner's son viz., John, S/o.Venkatesa Pandian, aged 24 years, confined in the Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.V.Mannar

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



O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

WEB COPY The petitioner is the father of the detenu viz., John, S/o.Venkatesa Pandian, aged 24 years. The detenu has been detained by the 2nd respondent by his order dated 30.09.2021 in BCDFGISSSV No.110/2021, 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. 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.49 and 50 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 BCDFGISSSV No.110/2021 dated 30.09.2021, passed by the 2nd respondent is set aside. The detenu viz., John, S/o.Venkatesa Pandian, aged 24 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

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

H.C.P.No.327 of 2022

SSV(CO)
SB(29/04/2022)