



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.489 OF 2022

Thaveedhu
S/o.Samupillai

...Petitioner

Vs.

- 1.The Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Chengalpattu District,
Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
- 4.The Superintendent of Police,
Central Prison - Puzhal,
Chennai District.
- 5.State represented by its
The Inspector of Police,
Kelambakkam Police Station,
Chengalpattu District.

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for records in detention order passed in CPT No.42/2021 dated 30.08.2021 by the second respondent herein and quash the same and direct the respondents herein to produce the body of the detenu, namely, Sagayaraj s/o.Thaveedhu. aged 20 years, who is now confined in Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner : Mr.C.Arun Kumar

For Respondents : Mr.M.Babu Muthu Meeran
Additional Public Prosecutor



ORDER
[Made by A.A.NAKKIRAN, J]

The petitioner is the father of the detenu viz., Sagayaraj s/o.Thaveedhu. aged 20 years. The detenu has been detained by the second respondent by his order in CPT No.42/2021 dated 30.08.2021, holding him to be a "Goonda", 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. We have also perused the records produced by the Detaining Authority.

3. Though 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 pertaining to the ground case has not been fully translated in vernacular language. 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.143 to 145 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been fully 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 CPT No.42/2021 dated 30.08.2021 passed by the second respondent is set aside. The detenu, viz., Sagayaraj s/o.Thaveedhu. aged 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

gm

To

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



2.The District Collector and District Magistrate,
Chengalpattu District,
Chengalpattu.

3.The Superintendent of Police,
Chengalpattu District,
Chengalpattu.

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

5.The Inspector of Police,
Kelambakkam Police Station,
Chengalpattu 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.

+1cc to M/s.C.Arunkumar, Advocate Sr.No.30804

+1cc to M/s.Kather Hussain, Advocate Sr.No.30765

H.C.P.No.489 of 2022

VSN-II (CO)
RVM(02/05/2022)