



HCP No.664 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED: 19.12.2022**

**Coram**

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH**  
**and**  
**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

**H.C.P.No.664 of 2022**

Angammal

W/o.Loganathan

... Petitioner

**Vs.**

1.The Government of Tamil Nadu,  
represented by its  
The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600 009.

2.The Director General of Police,  
Tamil Nadu,  
Mylapore, Chennai.

3.The Commissioner of Police,  
Tambaram City,  
Tambaram.

4.The Superintendent,  
Central Prison, Puzhal,  
Chennai - 600 066.

5.The Inspector of Police,  
S-10, Pallikaranai Police Station,  
Chennai - 100.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the proceedings of the third respondent in BCDFGISSSV No.24/2022 dated 20.03.2022 against the petitioner's son Vijay @ Kabali S/o.Loganathan, aged about 23 years and quash the same and consequently, direct the respondents herein to produce the detenu, who is detained under the Tamil Nadu Act 14 of 1982, currently confined in Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner : Mr.G.Pandian

For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

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### **ORDER**

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

The petitioner is the mother of the detenu, Vijay @ Kabali S/o.Loganathan, aged about 23 years. The detenu has been detained by the third respondent by his order in BCDFGISSSV No.24/2022 dated 20.03.2022, 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.



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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. 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 remand order pertaining to the ground case has not been properly 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.277 and 279 of the booklet, it is clear that the remand order pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.24/2022 dated 20.03.2022, passed by the third respondent is set aside. The detenu, viz., Vijay @ Kabali S/o.Loganathan, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]  
19.12.2022

Index: Yes/No  
gm

To

- 1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600 009.
- 2.The Director General of Police,  
Tamil Nadu,  
Mylapore, Chennai.
- 3.The Commissioner of Police,  
Tambaram City,  
Tambaram.
- 4.The Superintendent,  
Central Prison, Puzhal,  
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5.The Inspector of Police,  
S-10, Pallikaranai Police Station,  
Chennai - 100.

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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