



H.C.P.No.684 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.684 of 2022

V.Soniya

.. Petitioner

Vs

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

2.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai.

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

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

.. 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 pertaining to the order of detention passed by the second respondent in his processing in BCDFGISSSV No.34/2022 dated 28.03.2022 and quash the same as illegal and produce the detenu viz. Vellaiyan @ Viji, S/o.Mani, aged 27 years, now he is confined in the Central Prison, Puzhal II, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.S.Lokesh
for Mr.B.Gopalakrishnan
For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Mady by *P.N.PRAKASH, J.*)

The petitioner is the wife of the detenu Vellaiyan @ Viji, S/o.Mani, aged 27 years. The detenu has been detained by the second respondent by his order in Memo BCDFGISSSV No.34/2022 dated 28.03.2022, 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 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 fully translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this 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.539 and 541 of the booklet, it is clear that the arrest intimation has not been fully 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 Memo BCDFGISSSV No.34/2022 dated 28.03.2022, passed by the second respondent is set aside. The detenu, viz., Vellaiyan @ Viji, S/o.Mani, aged 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
17.10.2022

Index: Yes/No
nsd



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To

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Sholinganallur, Chennai.
- 3.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai.
- 4.The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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