



H.C.P.No.744 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.744 of 2022

Arul

.. Petitioner

Vs.

1.State rep. by
The Home Secretary, Government of Tamil Nadu
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009

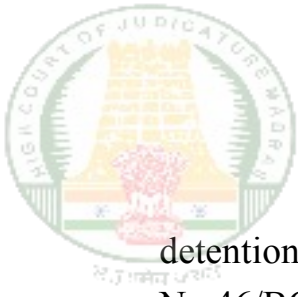
2.The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007

3.The Inspector of Police
Central Crime Branch-I
Anti Land Grabbing Special Cell-II
Vepery, Chennai 600 007

4.The Superintendent
Central Prison
Puzhal, Chennai 600 066

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS to call for the records relating to the order of



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detention passed by the 2nd respondent dated 29.03.2022 made in No.46/BCDFGISSSV/2022 against the detenu M.Arul, male, aged about 36 years, S/o.C.Mani, who is confined at the Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The detenu himself is the petitioner herein, who has been detained by the 2nd respondent, by his order dated 29.03.2022 in No.46/BCDFGISSSV/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.

2. We have heard the learned counsel appearing for the detenu and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.



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3. Though the learned counsel for the detenu has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the document available in page 143 of the booklet, has not been translated in vernacular language, which 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 No.143 of the booklet, it is clear that the document *viz.*, an undated undertaking in English on a non-judicial stamp paper has not been translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.46/BCDFGISSSV/2022 dated 29.03.2022, passed by the 2nd respondent is set aside. The detenu, *viz.*, Arul, aged 36 years, S/o.Mani, is directed to be released forthwith unless his detention is required in connection with any other case.

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Issue order copy by 28.10.2022

[P.N.P., J.]

[T K R, J.]

27.10.2022

P.N.PRAKASH, J.



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AND
RMT.TEEKAA RAMAN, J.

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To

1.The Home Secretary, Government of Tamil Nadu
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007

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4.The Inspector of Police
Central Crime Branch-I
Anti Land Grabbing Special Cell-II
Vepery, Chennai 600 007

5.The Superintendent
Central Prison
Puzhal, Chennai 600 066

6.The Public Prosecutor
High Court, Madras

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