



H.C.P.No.770 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.770 of 2022

Narmatha

.. Petitioner

Vs.

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

2.The District Magistrate and District Collector  
Vellore District, Vellore 600 009

3.The Superintendent of Police  
Vellore District, Vellore

4.The Superintendent of Prison  
Central Prison, Vellore

5.The Inspector of Police  
Prohibition and Enforcement Wing-Gudiyatham  
Vellore District

.. Respondents

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



H.C.P.No.770 of 2022

detention passed by the 2<sup>nd</sup> respondent in C3/D.O.No.47/2022 dated 24.04.2022 against the petitioner's husband Maikalraj, aged 35 years, S/o.Katturaja, now confined in the Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham  
For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

### **ORDER**

[Made by RMT.TEEKAA RAMAN, J.]

The petitioner is the wife of the detenu. The detenu has been detained by the 2<sup>nd</sup> respondent, by his order dated 24.04.2022 in C3/D.O.No.47/2022, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 and we have also perused the records carefully.



H.C.P.No.770 of 2022

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.39 and 40 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 C3/D.O.No.47/2022 dated 24.04.2022, passed by the 2<sup>nd</sup> respondent is set aside. The detenu *viz.*, Maikalraj, aged 35 years, S/o.Katturaja, is directed to be released forthwith, unless his detention is required in connection with any other case.

gya

Issue order copy by 28.10.2022

[P.N.P., J.] [T K R, J.]

27.10.2022



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H.C.P.No.770 of 2022

P.N.PRAKASH, J.

AND

RMT.TEEKAA RAMAN, J.

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To

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

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

3.The District Magistrate and District Collector  
Vellore District  
Vellore 600 009

H.C.P.No.770 of 2022

4.The Superintendent of Police  
Vellore District, Vellore

5.The Superintendent of Prison  
Central Prison, Vellore

6.The Inspector of Police  
Prohibition and Enforcement Wing-Gudiyatham  
Vellore District

7.The Public Prosecutor  
High Court, Madras

27.10.2022