



H.C.P.No.840 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.840 of 2022

Ananthi

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009

2.The Commissioner of Police
Tambaram City
Chengalpattu District

3.The Superintendent
Central Prison
Puzhal, Chennai

4.The Inspector of Police
S-16 Perumbakkam Police Station
Chennai 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 in detention order passed in



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Memo BCDFGISSSV No.21/2022 dated 11.03.2022 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the body of my husband Dilli Ganesh, M/A 24 years, now confined in the Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.D.Padmanabhan
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 *viz.*, Dilli Ganesh @ Thalapathy, aged 24 years, S/o.Palani has been detained by the 2nd respondent, by his order dated 11.03.2022 in BCDFGISSSV No.21/2022, 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 petitioner 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 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.123 and 124 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 BCDFGISSSV No.21/2022 dated 11.03.2022, passed by the 2nd respondent is set aside. The detenu viz., Dilli Ganesh @ Thalapathy, aged 24 years, S/o.Palani, 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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P.N.PRAKASH, J.

AND

RMT.TEEKAA RAMAN, J.

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To

1.The Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009

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

3.The Commissioner of Police
Tambaram City
Chengalpattu District

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4.The Superintendent
Central Prison
Puzhal, Chennai

5.The Inspector of Police
S-16 Perumbakkam Police Station
Chennai District

6.The Public Prosecutor
High Court, Madras

27.10.2022