



WEB COPY



H.C.P.No.842 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

Coram

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

H.C.P.No.842 of 2022

Jayasankari

.. Petitioner

Vs

- 1.The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tiruvannamalai District, Tiruvannamalai.
- 3.The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
- 4.The Inspector of Police,
Dusi Police Station,
Tiruvannamalai District, Tiruvannamalai.
- 5.The Superintendent of Prison,
Central Prison,
Vellore.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records connected with the order of the second respondent herein in D.O.No.44/2022-C2 dated 27.04.2022 passed against the petitioner's husband the detenu viz. Ganapathi, S/o.Ravi, aged about 24 years, who is confined at the Central Prison, Vellore and set aside the same.

For Petitioner : Mr.C.Pushparaj

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu Ganapathi, S/o.Ravi, aged about 24 years. The detenu has been detained by the second respondent by his order in D.O.No.44/2022-C2 dated 27.04.2022, 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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.72 and 73 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 D.O.No.44/2022-C2 dated 27.04.2022, passed by the second respondent is set aside. The detenu, viz. Ganapathi, S/o.Ravi, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
18.11.2022

Index: Yes/No
nsd



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Dusi Police Station,
Tiruvannamalai District, Tiruvannamalai.
- 5.The Superintendent of Prison,
Central Prison,
Vellore.
- 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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