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H.C.P.No.837 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

Coram

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

H.C.P.No.837 of 2022

S.Mahalingam

.. Petitioner

Vs

1.State of Tamil Nadu represented by
its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

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

3.The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai – 600 069.

4.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai – 600 066.

.. Respondents



H.C.P.No.837 of 2022

Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus calling for the records relating to the detention order passed by the second respondent pertaining to the order made in BCDFGISSSV No.54/2022 dated 12.04.2022 detaining the detenu under 2(f) of Tamil Nadu Act of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu Govindaraj @ Raja, S/o.Mahalingam, aged 33 years, who is detained at the Central Prison, Puzhal, Chennai.

For Petitioner : Mr.P.Sundara Rajan

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

ORDER

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

The petitioner is the father of the detenu Govindaraj @ Raja, S/o.Mahalingam, aged 33 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.54/2022 dated 12.04.2022, 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.



H.C.P.No.837 of 2022

WEB COPY

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 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 No.193 of the booklet, it is clear that the arrest intimation has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.



H.C.P.No.837 of 2022

WEB COPY

In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.54/2022 dated 12.04.2022, passed by the second respondent is set aside. The detenu, viz. Govindaraj @ Raja, S/o.Mahalingam, aged 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
14.11.2022

Index: Yes/No
nsd



H.C.P.No.837 of 2022

WEB COPY

To

- 1.The Additional Chief Secretary to Government,
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- 2.The Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007.
- 3.The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai – 600 069.
- 4.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai – 600 066.
- 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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and
RMT.TEEKAA RAMAN, J.

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