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H.C.P.No.1128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11..11..2022

Coram

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

Habeas Corpus Petition No.1128 of 2022

G.Rajendran

..... Petitioner

-Versus-

- 1.The Secretary to Government,  
Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai 600009.
- 2.The Commissioner of Police,  
Tambaram City, Sholinganallur,  
Chennai 600119.
- 3.The Superintendent of Central Prison,  
Puzhal, Chennai.
- 4.The Inspector of Police,  
S-6, Sankar Nagar Police Station,  
Chennai 600075.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the order of detention in Memo No.55/BCDFGISSSV/2022 dated 20.04.2022 and direct



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the respondent to produce the detenue Thangaraj, male, aged 26years, Son of Rajendran, detained as a Goonda at the Central Prison, Puzhal, Chennai, under the Tamil Nadu Act 14 of 1982 before this court and set him at liberty.

*For Petitioner : Mr.V.Babu*

*For Respondents : Mr.R.Muniyapparaj,  
Additional Public Prosecutor*

### **ORDER**

The petitioner is the father of the detenu viz., Thangaraj. The detenu has been detained by the second respondent by his order in Memo No.55/BCDFGISSSV/2022 dated 20.04.2022, 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.

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 on the ground that the arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective



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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.82 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 Memo No.55/BCDFGISSSV/2022 dated 20.04.2022, passed by the second respondent is set aside. The detenu viz., Thangaraj, son of Rajendran, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)  
11..11..2022

Index: Yes/No  
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- 3.The Superintendent of Central Prison,  
Puzhal, Chennai.
- 4.The Inspector of Police,  
S-6, Sankar Nagar Police Station,  
*Chennai 600075.*
- 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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AND  
RMT.TEEKAA RAMAN.J.,

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