



WEB COPY



H.C.P.No.940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04..11..2022

Coram

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

H.C.P.No.940 of 2022

Sarawathy

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner of Police,
Tambaram City.
- 3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai 66.
- 4.The Inspector of Police,
L & O, S-6, Sankar Nagar Police Station,
Chennai.

.... 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 detention order passed under Tamil Nadu Act 14 of 1982 *vide* detention order dated



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05.04.2022 on the file of the second respondent herein made in Memo No.42/BCDFGISSSV/2022, quash the same as illegal and consequently direct the respondents herein to produce the detenu viz., Sathya @ Pammal Sathya, male, aged 25 years, Son of Babu, now, detained at Central Prison, Puzhal, Chennai, before this Court and set the petitioner at liberty.

For Petitioner : Mr.S.Senthilkumar

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

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the mother of the detenu viz., Sathya @ Pammal Sathya. The detenu has been detained by the second respondent by his order in Memo No.42/BCDFGISSSV/2022 dated 05.04.2022 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.



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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 on the ground that the remand order has not been properly 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.255 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 No.42/BCDFGISSSV/2022 dated 05.04.2022 passed by the second respondent is set aside. The detenu viz., Sathya @ Pammal Sathya, Son of Babu, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)
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Index: Yes/No
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- 3.The Superintendent of Prison, Central Prison, Puzhal, Chennai 66.
- 4.The Inspector of Police, L & O, S-6,Sankar Nagar P.S., Chennai.
- 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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**P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,**

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