



H.C.P.No.1035 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.1035 of 2022

Mrs.J.Pandiammal

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
- 2.The Commissioner of Police,
Coimbatore City, Coimbatore.
- 3.The Inspector of Police,
C-1, Kattoor Police Station,
Coimbatore City, Coimbatore.
- 4.The Superintendent of Prison,
Central Prison, Coimbatore.

.... 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



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order passed under Tamil Nadu Act 14 of 1982 *vide* detention order dated 25.04.2022 on the file of the second respondent herein made in detention order in C.No.29/G/IS/2022 quash the same as illegal and consequently direct the respondents herein to produce the detenu viz., P.Jeganathan, male, aged 41 years, Son of Pandiya Thevar and the husband of the petitioner, now, detained at Central Prison, Coimbatore, before this Court and set the petitioner at liberty.

For Petitioner : *Mr.R.Chakkaravarthy*

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

ORDER

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

The petitioner is the wife of the detenu viz., P.Jeganathan. The detenu has been detained by the second respondent by his order in Detention Order in C.NO.29/G/IS/2022 dated 25.04.2022 holding him to be a "Drug Offender", as contemplated under Section 2(e) 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 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 the seizure mahazar pertaining to a similar case at Page No.86 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. 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 C.NO.29/G/IS/2022 dated 25.04.2022, passed by the second respondent is set aside. The detenu viz., P.Jeganathan, male, aged 41 years, Son of Pandiya Thevar, is directed to be released forthwith unless his



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detention is required in connection with any other case.

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(P.N.P., J.) (TKR., J.)
04..11..2022

Index: Yes/No
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To

- 1.The Secretary, Government of Tamil Nadu,
Home, Prohibition and Excise Department,
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- 2.The Commissioner of Police,
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- 3.The Inspector of Police,
C-1, Kattoor Police Station,
Coimbatore City, Coimbatore.
- 4.The Superintendent of Prison,
Central Prison, Coimbatore.
- 5.The Joint Secretary to Government of Tamil Nadu, Public, Law and
Order Department, Secretariat, Chennai – 9.
- 6.The Public Prosecutor, High Court, Madras.

**P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,**



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