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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.1061 of 2021

P.Karthick .. Petitioner/Third Party
Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The District Collector / District Magistrate,
Villupuram District, Villupuram.

3.The Superintendent of Police,
Villupuram District, Villupuram.

4.The Superintendent of Prison,
Special Prison for Women, Vellore.

5.The Inspector of Police,
Kanjur Circle Police Station,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records leading to the detention of the petitioner's mother Tmt.Bakkiyam, Wife of Pandurangan, Female, aged about 42 years is presently lodged in Special Prison for Women Vellore and has been detained under Act 14/82 as a Goonda vide detention order dated 19.06.2021 on the file of the 2nd respondent herein, made in Rc.No.C2/14965/2021 dated 19.06.2021 quash the same and consequently direct the respondents herein to produce the body and person of the said detainee before this Court and thereafter set her at liberty from the Central Prison, Salem.

For Petitioner : Mr.E.C.Ramesh

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



ORDER

[Made by P.N.PRAKASH, J.]

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The petitioner is the son of the detinue Bakkiyam, W/o.Pandurangan, aged about 42 years. The detinue has been detained by the second respondent by his order in Rc.No.C2/14965/2021 dated 19.06.2021, holding her to be a "Bootlegger", as contemplated under Section 2(b) 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 his argument on the ground that the arrest intimation has not been translated in vernacular language. He further submitted that the detaining authority, while detaining the detinue, has not furnished the legible copies of the documents relied on by him. This deprived the detinue from making effective representation. Therefore, on these grounds, 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 Nos.22 & 23 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Rc.No.C2/14965/2021 dated 19.06.2021, passed by the second respondent is set aside. The detinue, viz., Bakkiyam, W/o.Pandurangan, aged about 42 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

mtl



To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector / District Magistrate,
Villupuram District, Villupuram.
- 3.The Superintendent of Police,
Villupuram District, Villupuram.
- 4.The Superintendent of Prison,
Special Prison for Women, Vellore.
- 5.The Inspector of Police,
Kanjapur Circle Police Station,
Villupuram District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.C.Ramesh, Advocate SR.No.351

H.C.P.No.1061 of 2021

GJ(CO)
GMY(06/01/2022)