



HCP No.1036 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1036 of 2022

Sundari

W/o.Mahadevan

... Petitioner

Vs.

1.The Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The District Collector and District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.

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

4.The Superintendent,
Central Prison,
Thiruchirapalli.

5.The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.

... Respondents



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Writ 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 C.O.C.No.15/2022 dated 11.05.2022 in detaining the detenu under 2(f) of Tamil Nadu Act 14 of 1982, as a Goonda and quash the same and direct the respondents to produce the detenu Mahesh S/o.Mahadevan, aged about 20 years, who is detained at Central Prison, Thiruchirapalli and set him at liberty.

For Petitioner : Mr.R.Silambarasan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Mahesh S/o.Mahadevan, aged about 20 years. The detenu has been detained by the second respondent by his order in C.O.C.No.15/2022 dated 11.05.2022, 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



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the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though 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 pertaining to the ground case has not been properly translated in vernacular language. This deprived the detenu 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.59 and 60 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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



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detention in C.O.C.No.15/2022 dated 11.05.2022, passed by the second respondent is set aside. The detenu, viz., Mahesh S/o.Mahadevan, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
14.12.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.
- 3.The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
- 4.The Superintendent,
Central Prison,
Thiruchirapalli.
- 5.The Inspector of Police,



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Palaiyur Police Station,
Mayiladuthurai District.

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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
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