



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.1101 of 2021

Saran

S/o.Mani

.. Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its
Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

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

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4. The Deputy Superintendent of Police,
Vandalore Sub-Division,
Chengalpattu District.

5. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed in BCDFGISVV No.22/2021 dated 12.06.2021 passed by the second respondent and set aside the same and directing the respondents to produce the petitioner's brother Kalaiselvan s/o.Sundararaj, aged about 25 years, before this Court, who is now confined at Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner	:	Mr.K.Rahul for Mr.G.Mohanakrishnan
For Respondents	:	Mr.R.Muniyapparaj



Additional Public Prosecutor

ORDER

[Order of the Court was made by R.N.MANJULA, J]

WEB COPY The petitioner is the brother of the detenu, Kalaiselvan s/o.Sundararaj, aged about 25 years. The detenu has been detained by the second respondent by order dated 12.06.2021 in BCDFGISSSV No.22/2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 and we have also perused the records carefully.

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 order in suo motu writ petition has not been 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 Nos.269 and 277 of the booklet, it is clear that the order in suo motu writ petition 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 BCDFGISSSV No.22/2021 dated 12.06.2021, passed by the second respondent is set aside. The detenu, viz., Kalaiselvan s/o.Sundararaj, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gm



To

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Chengalpattu District,
Chengalpattu.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Deputy Superintendent of Police,
Vandalore Sub-Division,
Chengalpattu District.
5. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1101 of 2021

RLD (CO)
CT 06/01/2022