



WEB COPY



H.C.P.No.1137 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

Coram

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

H.C.P.No.1137 of 2022

Nagajothi

.. Petitioner

Vs

State represented by

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Avadi City.

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

4.The Inspector of Police (L & O),
T-3, Korattur Police Station,
Chennai.

.. Respondents



H.C.P.No.1137 of 2022

Petition filed under Article 226 of the Constitution of India

praying to issue a writ of Habeas Corpus to call for the records of pertaining to the order of detention dated on 30.03.2022 passed by the second respondent in No.09/BCDFGISSSV/2022 and quash the same as illegal and direct the second respondent to produce the detenu ARUNPANDIYAN @ CHITTU, S/o.AMALANATHAN, aged about 27 years, before this Court and set him at liberty and the detenu, now confined in the Central Prison II, Puzhal, Chennai.

For Petitioner : Mr.S.Senthilkumar

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

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the mother of the detenu ARUNPANDIYAN @ CHITTU, S/o.AMALANATHAN, aged about 27 years. The detenu has been detained by the second respondent by his order in No.09/BCDFGISSSV/2022 dated 30.03.2022, 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.



H.C.P.No.1137 of 2022

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 fully 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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.321 and 323 of the booklet, it is clear that the arrest intimation has not been fully translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.



H.C.P.No.1137 of 2022

WEB COPY

In the result, the Habeas Corpus Petition is allowed and the order of detention in No.09/BCDFGISSSV/2022 dated 30.03.2022, passed by the second respondent is set aside. The detenu, viz., ARUNPANDIYAN @ CHITTU, S/o.AMALANATHAN, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
08.11.2022

Index: Yes/No
nsd



H.C.P.No.1137 of 2022

WEB COPY

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Police,
Avadi City.
- 3.The Superintendent,
Central Prison,
Puzhal II,
Chennai.
- 4.The Inspector of Police (L & O),
T-3, Korattur Police Station,
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.



WEB COPY



H.C.P.No.1137 of 2022

P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

nsd

H.C.P.No.1137 of 2022

08.11.2022