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H.C.P.No.1115 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1115 of 2022

Pandiyan

..... Petitioner

-Versus-

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 5.The Superintendent of Prison,
Central Prison, Cuddalore 4
- 6.The Inspector of Police,
Veppur Police Station,
Cuddalore District.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 07.05.2022 in C3/D.O.No.15 of 2022 against the petitioner's son viz., Manikandan, male, aged 26 years, S/o.Pandiyan, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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

ORDER

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

The petitioner is the father of the detenu viz., Manikandan. The detenu has been detained by the second respondent by his order in C3/D.O.No.15 of 2022 dated 07.05.2022, 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 arrest intimation 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, Page No.22 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.15 of 2022 dated 07.05.2022 passed by the second respondent is set aside. The detenu viz., Manikandan, Son of Pandiyan, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
19..12..2022

Index: Yes/No
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- 5.The Superintendent of Prison,
Central Prison, Cuddalore 4
- 6.The Inspector of Police,
Veppur Police Station,
Cuddalore District.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor, High Court, Madras.



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