



WEB COPY



HCP No.1149 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

Coram

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

H.C.P.No.1149 of 2022

Mohamed Hussain
S/o.Paquir Mouhamed

... Petitioner

Vs.

1.State of Tamil Nadu

Rep. by its Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

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

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

4.The Inspector of Police,
Kottakuppam Police Station,
Villuppuram District.

5.The Superintendent,
Central Prison, Cuddalore.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records, relating to petitioner's friend detention under Tamil Nadu Act 14 of 1982 vide Detention order, dated 13.05.2022 on the file of the second respondent herein made in proceedings in Rc.No.C2/14672/2022 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's friend namely Jawahar alias Appu, S/o.Rayar, aged 21 years before this Court and set the petitioner's friend at liberty from detention, now petitioner's son detained at Central Prison, Cuddalore.

For Petitioner : Mr.C.C.Chellappan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the friend of the detenu, Jawahar alias Appu S/o.Rayar, aged 21 years. The detenu has been detained by the second respondent by his order in Rc.No.C2/14672/2022 dated 13.05.2022, 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 No.99 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 Rc.No.C2/14672/2022 dated 13.05.2022, passed by the second respondent is set aside. The detenu, viz., Jawahar alias Appu S/o.Rayar, aged 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
22.12.2022

Index: Yes/No
gm/ssr

To

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



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Central Prison, Cuddalore.

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
N.ANAND VENKATESH, J.

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