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H.C.P.No.1153 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

Coram

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

H.C.P.No.1153 of 2022

K.Jeya

.. Petitioner

Vs

- 1.The State of Tamil Nadu  
Rep. by Secretary to Government  
Home, Prohibition & Excise Department  
Fort St. George  
Chennai – 600 009.
- 2.The District Magistrate & District Collector  
Namakkal District, Namakkal
- 3.The Inspector of Police  
Nallipalayam Police Station, Namakkal District
- 4.The Superintendent  
Central Prison, Salem

.. Respondents

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 2<sup>nd</sup> respondent on 22.04.2022 in C.M.P.No.11/DRUG OFFENDER/2022 [M1] and to quash the same and direct the respondents to produce the body of the detenu P.Kumar, S/o.Paulsamy, aged about 40 years, before this Court and set him at liberty, now detained at Central Prison, Salem.



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For Petitioner : Mr.C.Iyyapparaj  
For Respondents : Mr.R.Muniyapparaj  
Addl. Public Prosecutor

**ORDER**

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

The petitioner is the wife of the detenu *viz.*, Kumar, aged about 40 years, S/o.Paulsamy. The detenu has been detained by the second respondent by his order in C.M.P.N0.11/DRUG OFFENDER/2022 [M1] dated 22.04.2022, 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.

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



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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.16 and 18 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.11/DRUG OFFENDER/2022 [M1] dated 22.04.2022, passed by the second respondent is set aside. The detenu, viz., Kumar, aged about 40 years, S/o.Paulsamy, is directed to be released forthwith unless his detention is required in connection with any other case.

**(P.N.P., J.)      (T K R, J.)**  
**02.11.2022**

nsd



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

nsd

To

- 1.The Secretary to Government  
Home, Prohibition & Excise Department  
Fort St. George  
Chennai – 600 009.
- 2.The District Magistrate & District Collector  
Namakkal District, Namakkal
- 3.The Inspector of Police  
Nallipalayam Police Station  
Namakkal District
- 4.The Superintendent  
Central Prison, Salem
- 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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