



WEB COPY



HCP No.1246 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

Coram

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

H.C.P.No.1246 of 2022

Megala
W/o.Paramasivam

... Petitioner

Vs.

1.The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police, Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.

3.The Superintendent,
Central Prison,
Special Prison for Women,
Puzhal, Chennai – 600 006.

4.The Inspector of Police, Team-17,
Anti-Land Grabbing Special Cell-1,
Central Crime Branch,
Chennai Unit.

... Respondents



HCP No.1246 of 2022

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent herein and made in No.116/BCDFGISSSV/2022 dated 12.05.2022, and to set aside the same and directing the third respondent to produce the detainee, my daughter Sindhu Paramasivam, female aged 30 years, W/o.Mr.Rajkumar now confined in Central Special Prison for Women, Puzhal, Chennai before this Court and thereby setting her at liberty.

For Petitioner : Mr.N.Saravana Kumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **N.ANAND VENKATESH, J.**]

The petitioner is the daughter of the detainee, Sindhu Paramasivam W/o.Rajkumar, aged 30 years. The detainee has been detained by the second respondent by his order in No.116/BCDFGISSSV/2022 dated 12.05.2022, holding her 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.



HCP No.1246 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 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 detainee 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 Nos.189 and 191 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.



HCP No.1246 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in No.116/BCDFGISSSV/2022 dated 12.05.2022, passed by the second respondent is set aside. The detenue, viz., Sindhu Paramasivam W/o.Mr.Rajkumar, aged 30 years, is directed to be released forthwith unless her detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
20.12.2022

Index: Yes/No
gm

To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai - 600 009.
- 2.The Commissioner of Police, Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.
- 3.The Superintendent,
Central Prison,
Special Prison for Women
Puzhal, Chennai – 600 006.



HCP No.1246 of 2022

4.The Inspector of Police, Team-17,
Anti-Land Grabbing Special Cell-1,
Central Crime Branch,
Chennai Unit.

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



HCP No.1246 of 2022

P.N.PRAKASH, J.
and
N.ANAND VENKATESH, J.

gm

H.C.P.No.1246 of 2022

20.12.2022