



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.1250 of 2021

Saroja

.. Petitioner

Vs.

1. State of Tamil Nadu represented by
The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

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

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

4. The Superintendent of Police,
Central Prison,
Puzhal.

5. The Inspector of Police,
Tindivanam Police Station,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order dated 25.06.2021 passed by the second respondent in Rc.No.C2/15577/2021 and quash the same and direct the respondents herein to produce the petitioner's son Sankar @ Sharpsankar @ Vettusankar, S/o.Arumugam, aged 20 years, who is presently undergoing detention in the Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Chandra Sekar

For Respondents : Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor



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

The petitioner is the mother of the detenu Sankar @ Sharpsankar @ Vettusankar, S/o.Arumugam, aged 20 years. The detenu has been detained by the second respondent by his order in Rc.No.C2/15577/2021 dated 25.06.2021, 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 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 remand order has not been translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, 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.102 of the booklet, it is clear that the remand order has not been 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 Rc.No.C2/15577/2021 dated 25.06.2021, passed by the second respondent is set aside. The detenu, viz., Sankar @ Sharpsankar @ Vettusankar, S/o.Arumugam, aged 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate,
Villupuram District, Villupuram.
3. The Superintendent of Police,
Villupuram District, Villupuram.
4. The Superintendent of Police,
Central Prison,
Puzhal.
5. The Inspector of Police,
Tindivanam Police Station,
Villupuram District.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1250 of 2021

NRL (CO)
SU(14/03/2022)