



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.NO.1271 OF 2021

S.Lalli

...Petitioner

Vs.

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

2.The District Magistrate and District Collector,
Master Plan Complex,
Tiruvallur District, Tiruvallur.

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

4.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai - 600 066.

5.The Sub Inspector of Police,
F-4, Kavarapettai Police Station,
Tiruvallur District, Tiruvallur.

...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 detenu's detention order passed by the 2nd respondent in proceedings B.C.D.F.G.I.S.S.S.V.No.86/2021 dated 17.07.2021 and set aside the same and produce the detenu S.Mohan Chand @ Mohan, S/o.Sankar, aged about 23 years, now detained in the Central Prison-II, Puzhal, Chennai - 600 066, before this Court and set him at liberty.

For Petitioner : Mr.P.Vijayakumar

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



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

WEB COPY The petitioner is the mother of the detenu S.Mohan Chand @ Mohan, S/o.Sankar, aged about 23 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.86/2021 dated 17.07.2021, 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 arrest intimation 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.67 of the booklet, it is clear that the arrest intimation 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 B.C.D.F.G.I.S.S.S.V.No.86/2021 dated 17.07.2021, passed by the second respondent is set aside. The detenu, viz., S.Mohan Chand @ Mohan, S/o.Sankar, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

nsd



To

1.The Secretary to Government,
Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Magistrate and District Collector,
Master Plan Complex,
Tiruvallur District, Tiruvallur.

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

4.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai - 600 066.

5.The Sub Inspector of Police,
F-4, Kavarapettai Police Station,
Tiruvallur District, Tiruvallur.

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.1271 of 2021

CP(CO)
RVM(27/01/2022)