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H.C.P.No.1411 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20..12..2022

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The Honourable Mr. Justice **P.N.PRAKASH**
and

The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1411 of 2022

S.Ganesh

... Petitioner

Vs.

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

2. District Collector and District Magistrate of
Tiruvannamalai District, Tiruvannamalai.

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

4. The Superintendent of Prison,
Central Prison, Vellore.

5. The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus calling for the records in connection with the



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order of Detention passed by the second respondent 10.05.2022 in D.O.No.53/2022-C2 against the petitioner's brother viz., Saravanan, Male aged 23 years S/o. Sivalingam who is confined at Central Prison, vellore and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the brother of the detenu viz., Saravanan Son of Sivalingam. The detenu has been detained by the second respondent by his order in D.O.No.53/2022-C2 dated 10.05.2022, 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 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 on the ground that the arrest intimation has not been properly translated in



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vernacular language. This deprived the 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.45 & 46 of the booklet, it is clear that the arrest intimation 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 detention in D.O.No.53/2022-C2 dated 10.05.2022 passed by the second respondent is set aside. The detenu viz., Saravanan Son of Sivalingam, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
20..12..2022

Index: Yes/No
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Chennai – 600 009.
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Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai.
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
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