

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.1502 of 2021

Sundari

W/o.Marudamuthu

...Petitioner

Vs.

1.State of Tamil Nadu

represented by

Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate,

Perambalur,

Perambalur District.

3.The Chairman, Advisory Board,

Singaravelar Maligai,

Ground Floor Backside Entrance,

Chennai Collectorate,

No.32, Rajaji Salai, Chennai - 600 001.

4.The Superintendent of Central Prison,

Central Prison,

Trichirapalli District.

5.The Inspector of Police,

Kunnam Police Station,

Perambalur.

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for records in detention order passed in Cr.M.P.No.20/2021 dated 22.08.2021 by the second respondent herein and quash the same and direct the respondents herein to produce the body of the detenu, namely, Manikandan alias Nattathi s/o.Marudhamuthu, aged 22 years, who is now confined in Central Prison, Trichirapalli, before this Court and set him at liberty.

For Petitioner :Mr.B.Mahendra Naidu
For Respondents :Mr.M.Babu Muthu Meeran
Additional Public Prosecutor

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

The petitioner is the mother of the detenu viz., Manikandan alias Nattathi s/o.Marudhamuthu, aged 22 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.20/2021 dated 22.08.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 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 fully translated in vernacular language. 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 Nos.48 and 49 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 Cr.M.P.No.20/2021 dated 22.08.2021 passed by the second respondent is set aside. The detenu, viz., Manikandan alias Nattathi s/o.Marudhamuthu, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
 - 2.The District Collector and District Magistrate,
Perambalur,
Perambalur District.
 - 3.The Chairman, Advisory Board,
Singaravelar Maligai,
Ground Floor Backside Entrance,
Chennai Collectorate,
No.32, Rajaji Salai, Chennai - 600 001.
 - 4.The Superintendent of Central Prison,
Central Prison,
Trichirapalli District.
 - 5.The Inspector of Police,
Kunnam Police Station,
Perambalur.
 - 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
 - 7.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.T.Elumalai, advocate sr 29755.

H.C.P.No.1502 of 2021

VSNII (CO)
SP (02/05/2022)