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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.1610 of 2021

M.Malathi

..Petitioner

Vs.

1. State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
3. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
S-13, Chrompet Police Station,
Chennai-600 044.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the impugned order of detention dated 18.08.2021 in BCDFGISSSV No.237/2021 passed by the 2nd respondent herein and quash the same and consequently direct the respondents to produce the detenu Vijay Anand @ Vijay, male, aged 23 years, S/o.Nataraj, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.K.Prasanthan

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



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

The petitioner is the mother of the detenu Vijay Anand @ Vijay, male, aged 23 years, S/o.Nataraj. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.237/2021 dated 18.08.2021, 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 fully 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.43 and 44 of the booklet, it is clear that the arrest intimation 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 BCDFGISSSV No.237/2021 dated 18.08.2021, passed by the second respondent is set aside. The detenu, viz., Vijay Anand @ Vijay, male, aged 23 years, S/o.Nataraj, 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 Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
3. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
S-13, Chrompet Police Station,
Chennai-600 044.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1610 of 2021

MG(CO)
RGA(14/03/2022)