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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.1633 of 2021

Mariyammal
W/o.Krishnan

.. Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Perambalur District,
Perambalur.
- 3.The Superintendent of Police,
Perambalur District,
Perambalur.
- 4.The Superintendent,
Central Prison, Tiruchirappalli.
- 5.The Inspector of Police,
Kunnam Police Station,
Perambalur District.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent in Cr.M.P.No.23 of 2021 dated 31.08.2021 against the detenu Yuvaraj s/o.Dharmalingam, aged about 27 years, who is confined in Central Prison, Tiruchirappalli and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Kasi

For Respondents: Mr.M.Babu Muthu Meeran
Additional Public Prosecutor



ORDER

[Made by A.A.NAKKIRAN, J]

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The petitioner is the grandmother of the detenu viz., Yuvaraj s/o.Dharmalingam, aged about 27 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.23 of 2021 dated 31.08.2021, 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 delegation of power to the detaining authority has not been properly 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.170 and 171 of the booklet, it is clear that the delegation of power to the detaining authority 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 Cr.M.P.No.23 of 2021 dated 31.08.2021 passed by the second respondent is set aside. The detenu, viz., Yuvaraj s/o.Dharmalingam, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar



- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Perambalur District,
Perambalur.
- 3.The Superintendent of Police,
Perambalur District,
Perambalur.
- 4.The Superintendent,
Central Prison, Tiruchirappalli.
- 5.The Inspector of Police,
Kunnam Police Station,
Perambalur 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.1633 of 2021

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srg 29/04/2022