



HCP(MD)No.754 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.10.2022

CORAM

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.754 of 2022

Chellapandi

.. Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009

2. The District Collector and District Magistrate,
Office of the Collector and District Magistrate,
Theni District, Theni.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, calling for the entire records connected with
the detention order of the second respondent in Detention Order No.23/2022



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dated 11/04/2022 and quash the same and direct the respondents to produce the body or person of the detenu by the name Chellapandi, S/o.Manikandan, aged about 23 years, now confining as "Goonda" at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

The petitioner is the detenu viz., Chellapandi, S/o.Manikandan, aged about 23 years. The detenu has been detained by the second respondent by his order in Detention Order No.23/2022 dated 11.04.2022 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.



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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 copy of the remand order, dated 30.03.2022 in which the detenu was remanded in the ground case, has not been furnished to the detenu in vernacular language, despite the same has been sought for by the petitioner in his representation. Hence, the detenue was not able to make an effective representation.

4. The submissions made by the learned Additional Public Prosecutor in reply to the above said contention raised by the learned counsel for the petitioner are also heard.

5. We have carefully gone through the representation made by the detenu and the paper book that has been placed before this Court. We find that only English version of the remand order in the ground is available and the tamil translation has not been furnished. In view of the same, the detenue was not able to make an effective representation and it affect his right under Article 22 of the Constitution of India. Therefore, on that score,



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the order of detention is liable to be set aside.

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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.23/2022 dated 11.04.2022 passed by the second respondent is set aside. The detenu, viz. Chellapandi, S/o.Manikandan, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[J.N.B.,J.] [N.A.V.,J.]
14.10.2022

Index : Yes/No
Internet : Yes
PJJ

To
1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009

2. The District Collector and District Magistrate,
Office of the Collector and District Magistrate,
Theni District,
Theni.



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3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**J. NISHA BANU,J.
and
N. ANAND VENKATESH,J.**

PJL

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