



HCP No.1400 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.01.2023

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1400 of 2022

Thamilarasi
W/o.Madhavan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its
Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Namakkal District,
Namakkal.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Superintendent of Police,
Namakkal District,
Namakkal.



HCP No.1400 of 2022

5. The Inspector of Police,
Namakkal Police Station,
Namakkal Taluk and District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records pertaining to the order of detention passed in C.M.P.No.20/Drug Offender/2022 (M1) dated 29.06.2022 passed by the second respondent and set aside the same and direct the respondents to produce the petitioner's husband by name Mayandi @ Madhavan S/o.Venkatachalam, aged about 51 years, before this Court, who is now confined in Central Prison, Salem and set him at liberty.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Mayandi @ Madhavan S/o.Venkatachalam, aged about 51 years. The detenu has been detained by the second respondent by his order in C.M.P.No.20/Drug Offender/2022 (M1) dated 29.06.2022, holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



HCP No.1400 of 2022

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 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.309 and 311 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



HCP No.1400 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.20/Drug Offender/2022 (M1) dated 29.06.2022, passed by the second respondent is set aside. The detenu, viz., Mayandi @ Madhavan S/o.Venkatachalam, aged about 51 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
10.01.2023

Index: Yes/No
gm

To

- 1.The Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Namakkal District,
Namakkal.
- 3.The Superintendent of Prison,
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Namakkal District,
Namakkal.



HCP No.1400 of 2022

WEB COPY

5.The Inspector of Police,
Namakkal Police Station,
Namakkal Taluk and 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.



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HCP No.1400 of 2022

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H.C.P.No.1400 of 2022

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