



HCP No.1455 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09..01..2023

Coram

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

H.C.P.No.1455 of 2022

Anbuselvi
W/o.Velmurugan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by Secretary to Government,
Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.
- 3.The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
- 4.The Superintendent of Prison,
Central Prison,
Thiruchirapalli.



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5. The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records relating to the detention order dated 08.06.2022 passed by the 2nd respondent herein in the office proceedings C.O.C.No.18/2022 in respect of TPDA No.7289 branding him as “Bootlegger” as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982 and to quash the same, consequently direct the respondents herein to produce the petitioner's husband namely Velmurugan, S/o.Gurumoorthy, aged about 40 years, residing at Palakkattu Street, Kodakkaramoolai Post, Sirkazhi Taluk, Mayiladuthurai District who is presently under going detention in the Central Prison, Tiruchirapalli as 'Bootlegger' under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamilnadu Act 14 of 1982) before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

The petitioner is the wife of the detenu viz., Velmurugan, son of Gurumoorthy. The detenu has been detained by the second respondent by his order in C.O.C.No.18/2022 dated 08.06.2022 holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 on the ground that the arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon



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perusal of the documents available on record, especially, Page Nos.33 & 34 of the booklet, it is clear that the arrest intimation 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 C.O.C.No.18/2022 dated 08.06.2022 passed by the second respondent is set aside. The detenu viz., Velmurugan, Son of Gurumoorthy, is directed to be released forthwith unless his detention is required in connection with any other case.

[P.N.P., J] [N.A.V., J]
09..01..2023

Index: Yes/No
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To

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- 2.The District Collector and District Magistrate,
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Mayiladuthurai.
- 3.The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
- 4.The Superintendent of Prison,
Central Prison,
Thiruchirapalli.
- 5.The Inspector of Police,
Pudupattinam Police Station,
Mayiladuthurai 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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P.N.PRAKASH, J
and
N.ANAND VENKATESH, J

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