



HCP No.1967 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09..01..2023

Coram

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

H.C.P.No.1967 of 2022

Arputharaj
S/o.Esa

.. Petitioner

Vs.

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector & District Magistrate,
Thiruvallur District,
Thiruvallur.
- 3.The Superintendent of Police,
Thiruvallur,
Thiruvallur District.
- 4.The Superintendent of Prison-II,
Central Prison-II -Puzhal,
Chennai District.



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5.State rep. by its
The Inspector of Police,
Manavalanagar Police Station,
Thiruvallur 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 entire records, relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 08.06.2022 on the file of the second respondent herein made in proceedings Memo B.C.D.F.G.I.S.S.S.V. No.27/2022, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother namely Joseph Devakumar, S/o.Esa, aged 35 years before this High Court and set the petitioner's brother at liberty from detention, now the petitioner's brother detained at Central Prison-II, Puzhal, Chennai.

For Petitioner : Mr.R.Sasikumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the brother of the detenu viz., Joseph Devakumar, son of Esa. The detenu has been detained by the second respondent by his order in



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Memo B.C.D.F.G.I.S.S.S.V. No.27/2022 dated 08.06.2022 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.

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 perusal of the documents available on record, especially, Page No.73 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 Memo B.C.D.F.G.I.S.S.S.V. No.27/2022 dated 08.06.2022 passed by



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the second respondent is set aside. The detenu viz., Joseph Devakumar, son of
Esa, 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]
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Index: Yes/No
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To

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Thiruvallur.
- 3.The Superintendent of Police,
Thiruvallur,
Thiruvallur District.
- 4.The Superintendent of Prison-II,
Central Prison-II -Puzhal,
Chennai District.
- 5.The Inspector of Police,
Manavalanagar Police Station,
Thiruvallur 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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