



H.C.P.No.2049 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2049 of 2023

S.Suseela
W/o Rajadurai

..

Petitioner

v.

1. The Additional Chief Secretary to Government
Home, Prohibition & Excise Department
Fort St.George, Chennai 600 009

2. District Magistrate and District Collector
Tiruvallur District, Tiruvallur

3. The Superintendent of Police
Tiruvallur District

4. The Superintendent
Central Prison-II, Puzhal
Chennai-66

5. The Inspector of Police
Pallipattu Police Station
Tiruvallur District

..

Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent pertaining to the order made in B.C.D.F.G.I.S.S.V.No.22/2023 dated 26.07.2023 in detaining the detenu under 2 (f) of Tamil Nadu Act 14 of 1982, as a Goonda and quash the same and direct the respondent to produce the detenu Rajadurai, son of Elumalai aged about 21 years, who is detained at Central Prison-II, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.G.Nirmal Krishnan

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner, who is the wife of the detenu, namely, Rajadurai, aged 21 years, S/o Elumalai, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 26.07.2023 slapped on her husband, branding him as 'Goonda' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).



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2. Heard the learned counsel appearing for the petitioner and the

learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the writ petition, learned counsel appearing for the petitioner pointed out that the detention order is liable to be quashed on the sole ground that the translated version of the remand extension order in the ground case relied upon by the detaining authority is not supplied to the detenu, which vitiates the detention order.

4. On perusal of page 163 of the booklet, this Court also finds that the translated version of the remand extension order in the ground case, which has been relied upon by the detaining authority, is not furnished to the detenu. The non-supply of the translated version of the remand extension order has deprived the detenu of his valuable right to make an effective representation, as observed by the Hon'ble Supreme Court in the case of ***Powanammal Vs. State of Tamil Nadu*** reported in (1999) 2 SCC 413 holding that what applies to a document, would equally apply to furnishing translated copy of the document in the language known to and understood



by the detenu. In the said judgment, the Hon'ble Supreme Court has further held as follows:-

"6.The short question that falls for our consideration is whether failure to supply the Tamil version of the order of remand passed in English, a language not known to the detenue, would vitiate her further detention.

.....

16. For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed."

In tune with the judgment of the Hon'ble Supreme Court, this Court finds that the impugned order of detention is vitiated.

5. Accordingly, the detention order passed by the 2nd respondent dated 26.07.2023 in B.C.D.F.G.I.S.S.S.V. No.22/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Rajadurai, S/o Elumalai,



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aged 21 years, is directed to be set at liberty forthwith, unless he is required
in connection with any other case.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

15.12.2023

SS

To

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High Court, Madras



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SS

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