



H.C.P.(MD) No.1021 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

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K.Priya

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Theni District,
Theni.

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

... 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 passed in Detention Order No.55/2022, dated 11.06.2022 on the file of the



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second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu i.e., the petitioner's husband namely Katturaja, aged about 35 years, S/o.Palaniyappan, now detained at the Central Prison, Madurai before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

The wife of the detenu has challenged the detention order passed against the detenu branding him as ' Drug Offender' by the order, dated 11.06.2022.

2. The learned counsel for the petitioner challenged the detention order on the ground that the initial remand order that was furnished in the paper booklet was not translated in the language known to the detenu, viz., Tamil. The detenu has also given a representation seeking translated version of the remand order, however, the authorities have not furnished the same. Hence, the petitioner sought for quashing the detention order on that ground.

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3. The learned Additional Public Prosecutor appearing for the respondents submitted that the detenu was explained about the detention order and the copy of the detention order in Tamil language was also furnished.

4. We find that in the paper booklet at page Nos.83 & 84 the remand order has been furnished to the detenu only in English language. Since the order has not been furnished in the language known to the detenu, his right to make the effective representation has been denied. For that reason, the impugned detention order is liable to be quashed.

5. In fine, the Habeas Corpus Petition is allowed. The detention order passed in No.55 of 2022, dated 11.06.2022, by the 2nd respondent, is set aside. Consequently, the detenu viz., Katturaja, S/o.Palaniyappan, aged about 35 years, who is now detained in Central Prison, Madurai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

[G.J.,J.] [S.M.,J.]
20.01.2023

Index : Yes / No
Internet : Yes / No
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- 3.The Superintendent of Prison,
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Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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