



WEB COPY



HCP.No.1293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1293 of 2024

Vennila

... Petitioner

Vs.

- 1.The Secretary to Government,
Home, Prohibition Excise Department,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai.
- 3.The Superintendent of Police,
Central Prison, Puzhal, Chennai.
- 4.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, in connection with the order of Dentention passed by the 2nd respondent dated 09.05.2024 in No.481/BCDFGISSSV/2024 against the petitioner son Thiru.Mukesh, Male aged about 22 years son of Murugan, who is confined at Central Prison Puzhal, Chennai



HCP.No.1293 of 2024

and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

WEB COPY

For Petitioner : Mr.M.Illiyas

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the 2nd respondent in proceedings No.481/BCDFGISSSV/202424 dated 09.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.Admittedly, the known language to the detenue in the present case is 'Tamil'. The Government order conferring the power of the detaining authority to issue detention order was issued without translating the same in Tamil language. In other words, the Government Order furnished to the detenue is in unknown language to the detenue, which would vitiate the entire proceedings.

3.As per the statement, the detenue is a school dropout, studied upto 9th standard. Therefore, the non supply of translated version of the Government Order in Tamil caused prejudice to the detenue for submitting effective representation, which is



HCP.No.1293 of 2024

a valuable right provided to the detainee under the Act.

WEB COPY

4.Thus, the impugned order of detention passed by the 2nd respondent in proceedings No.481/BCDFGISSSV/202424 dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

gd



WEB COPY



HCP.No.1293 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

gd

To

- 1.The Secretary to Government,
Home, Prohibition Excise Department,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai.
- 3.The Superintendent of Police,
Central Prison, Puzhal, Chennai.
- 4.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

H.C.P.No.1293 of 2024

07.08.2024