



HCP.No.1462 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.1462 of 2024

Kasthuri

... Petitioner

Vs.

1. State of Tamil Nadu,
rep. by Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. State rep. by Inspector of Police,
H5 New Washermanpet Police Station,
Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records of the 2nd respondent pertaining to the order made in Memo No.482/BCDFGISSSV/2024 dated 09.05.2024 in detaining the detainee under the Tamil Nadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce detainee, my son Murali @ Bomb Murali, S/o. Baskar, aged 22 years, who is confined in in Central Prison, Puzhal, Chennai before this court and set him at liberty.

For Petitioner : Mr.Ramachandran

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 Commissioner of Police, Greater Chennai in proceedings Memo No.482/BCDFGISSSV/2024, dated 09.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.Admittedly, the known language to the detainee 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 detainee is in unknown language to the detainee, which would vitiate the entire proceedings.



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3.The non supply of translated version of the Government Order in Tamil caused prejudice to the detainee for submitting effective representation, which is a valuable right provided to the detainee under the Act.

4. Accordingly, the impugned order of detention in proceedings Memo No.482/BCDFGISSSV/2024, 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

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

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To

1. Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. Inspector of Police,
State, H5 New Washermanpet Police Station,
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