



WEB COPY



HCP.No.1443 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

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

H.C.P.No.1443 of 2024

Vennila

...

Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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

3 The Superintendent of Police
Thiruvallur District.

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

5 The Inspector of Police
Arumbakkam Circle,
Thiruvallur District.

....

Respondent



HCP.No.1443 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the records in connection with the order of detention passed by the second respondent dated 30.05.2024 in BCDFGISSSV No.15/2024 against the petitioner's husband Sharukhan male aged 23 years S/o. Kumaranathan, who is confined at Central prison -II Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Honble Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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 District Magistrate and District Collector, Tiruvallur in BCDFGISSSV No.15/2024, dated 30.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The main ground raised in the Habeas Corpus Petition by the petitioner is that the Arrest Intimation Form from page 21 to 28, in the typed set of papers served on the detenue, have not been translated. That apart, the adverse cases relied upon by the detaining authority would be insufficient to form an opinion that there is likelihood of causing breach of Public Order.



HCP.No.1443 of 2024

3. Since the important documents have not been translated in the language known to the detainee and served to him, the same caused prejudice to the detainee for submitting an effective representation under the Act 14 of 1982.

4.Hence, for the aforesaid reason, the detention order passed by the second respondent in proceedings No.BCDFGISSSV No.15/2024, dated 30.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Sharukhan male aged 23 years S/o. Kumaranathan, who is confined at Central prison -II Puzhal, Chennai is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

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

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.



HCP.No.1443 of 2024

WEB.COM

- 2 The District Magistrate and District Collector,
Tiruvallur District ,
Tiruvallur.
- 3 The Superintendent of Police
Thriuvallur District.
- 4 The Superintendent of Prison
Central Prison II, Puzhal,
Chennai-66.
- 5 The Inspector of Police
Arumbakkam Circle,
Thiruvallur District.



WEB COPY



HCP.No.1443 of 2024

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

mrp

H.C.P.No.1443 of 2024

12.08.2024