



WEB COPY



HCP.No.1488 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.1488 of 2024

Devi

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
3. The Inspector of Police,
G5 Secretariat Colony Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai Dt.-600 066.

... Respondents



HCP.No.1488 of 2024

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 order of 2nd respondent herein in Memo No.480/BCDFGISSSV/2024 dated 09.05.2024 passed against detainee name,y Karthik, son of Murali, aged 24 years, as a 'Goonda', who is confined in Central Prison, Puzhal, Chennai and set aside the same, consequently, directing the respondents herein to produce body and person of the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.G.Elamaran

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, Vepery, Chennai in proceedings No.480/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



HCP.No.1488 of 2024

other words, the Government Order furnished to the detinue is in unknown language to the detinue, which would vitiate the entire proceedings.

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

4.Accordingly, the impugned order of detention in proceedings No. 480/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

gd



WEB COPY



HCP.No.1488 of 2024

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

gd

To

1. The Secretary to Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
3. The Inspector of Police,
G5 Secretariat Colony Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai Dt.-600 066.

H.C.P.No.1488 of 2024

07.08.2024