



WEB COPY



HCP.No.1543 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.1543 of 2024

Bedadhara Chhatria

.... Petitioner

Vs

1 The State of Tamilnadu
rep.by its Secretary,
Home, Prohibition and Excise Department ,
Fort St.George, Chennai - 600 009.

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

3 The Superintendent of Prisons,
Central Prison,
Coimbatore.

4 The Inspector of Police,
Prohibition Enforcement Wing,
Tiruppur

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records of the 2nd respondent herein in



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Cr.M.P.No.51/Drug Offender/2024 dated 29.05.2024, quash the same and direct

the respondent police herein to produce the body of the detenue, Mr. Papun Chhatra, Son of Bedadhara Chhatra, aged 21 years, detained as Drug Offender and confined in Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. S.V. Karthikeyan

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, Tiruppur in Cr.M.P.No.51/Drug Offender/2024 dated 29.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. A perusal of records reveals that the detenue was arrested on 15.03.2024, however, the impugned order of detention has been issued on 29.05.2024, after a lapse of more than two months.



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3. The fact about the long delay would be sufficient to drop an inference that the detaining authority has failed to apply their mind for the purpose of issuing the impugned order under Act 14 of 1982.

4. Further more, the detenu is the native of the state of Odisha and has no knowledge in reading and writing in English and Tamil language. But all the documents furnished to the detenu are in Tamil and English. Therefore, the documents relied on for issuance of impugned detention order have not been served to the detenu in the language known to him. In other words, the Government Order furnished to the detenu is in unknown language to the detenu, which would vitiate the entire proceedings.

5. The non supply of translated version of the Government Order in the language known to the detenu, caused prejudice to the detenu for submitting effective representation, which is a valuable right provided to the detenu under the Act.



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6. Hence, for the aforesaid reason, the detention order passed by the second respondent in Cr.M.P.No.51/Drug Offender/2024 dated 29.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Papun Chhatria, Son of Bedadhara Chhatria, aged 21 years, detained as Drug Offender and confined in Central Prison, Coimbatore, 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 Secretary,
Home, Prohibition and Excise Department ,
Fort St.George, Chennai - 600 009.
- 2 The District Magistrate and District Collector,
Tiruppur District, Tiruppur.
- 3 The Superintendent of Prisons,
Central Prison, Coimbatore.
- 4 The Inspector of Police,
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