



WEB COPY



HCP.No.1618 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.08.2024**

**CORAM :**

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

**H.C.P.No.1618 of 2024**

Bhavani

...

PETITIONER

Vs

- 1 The State of Tamilnadu,  
Rep By Secretary To Government,  
Home, Prohibition And Excise Department,  
Fort St.George, Chennai - 600 009.
- 2 The Commissioner Of Police  
Greater Chennai, Chennai.
- 3 The Superintendent Of Prison  
Central Prison Puzhal, Chennai.
- 4 The Inspector Of Police  
H-8, Fishing Harbor Police Station,  
Chennai.

...

RESPONDENTS

**PRAYER:** Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the detention order dated 14.05.2024 passed by the second respondent in his proceedings No.501/BCDFGISSSV/2024 and quash the same and direct the respondents herein to produce the petitioner's son namely Kuppuraj son of Selvam aged about 23 years, who is presently under going detention in the Central Prison, Puzhal as GOONDA before this Honble Court and set him at liberty forth with.



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For Petitioner : Mr. M.Vinoth  
For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor

**ORDER**

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

The order of detention passed by the 2<sup>nd</sup> respondent/The Commissioner of Police, Greater Chennai, in proceedings No.501/BCDFGISSSV/2024 dated 14.05.2024, 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.

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. Hence, for the aforesaid reason, the detention order passed by the second



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respondent/The Commissioner of Police, Greater Chennai, in proceedings

No.501/BCDFGISSSV/2024 dated 14.05.2024, is quashed and the Habeas Corpus

Petition is allowed. The detenue, viz., Kuppuraj son of Selvam aged about 23

years, now confined at the Central Prison, Puzhal, 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.]

16.08.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

mrp

To

- 1 The State of Tamilnadu,  
Rep By Secretary To Government,  
Home, Prohibition And Excise Department,  
Fort St.George, Chennai - 600 009.
- 2 The Commissioner Of Police  
Greater Chennai, Chennai.
- 3 The Superintendent Of Prison  
Central Prison Puzhal, Chennai.
- 4 The Inspector Of Police  
H-8, Fishing Harbor Police Station, Chennai.
- 5 The Public Prosecutor, High Court, Madras.

**S.M.SUBRAMANIAM, J.**

**AND**

**V.SIVAGNANAM, J.**



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