



HCP.No.1746 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 16.08.2024

CORAM :

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

H.C.P.No.1746 of 2024

Tamilselvi

...
Vs

PETITIONER]

- 1 The Secretary To Government
Home, Prohibition Excise Department,
Fort St.George, Chennai 600009.
- 2 The Commissioner Of Police
Greater Chennai.
- 3 The Superintendent Of Police
Central Prison, Puzhal, Chennai.
- 4 The Inspector Of Police
Chennai Central Railway Police Station,
Chennai.

....

RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 15.05.2024 in No.514/BCDFGISSSV/2024 against the petitioner husband Thiru.Kumaresan male aged about 29 years son of Pachaiyappan who is confined at Central Prison Puzhal, Chennai, and set aside the same and direct the respondents to produce the detenu before the Hon'ble court and set him at liberty.

For Petitioner : Mr.M.ILLiyas



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 2nd respondent /Commissioner of Police, Greater Chennai in No.514/BCDFGISSSV/2024, dated 15.05.2024 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/Commissioner of Police, Greater Chennai in

No.514/BCDFGISSSV/2024 dated 15.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Kumaresan male aged about 29 years son of Pachaiyappan, who is confined at Central Prison 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.]

16.08.2024

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

To

- 1 The Secretary To Government
Home, Prohibition Excise Department,
Fort St.George, Chennai 600009.
- 2 The Commissioner Of Police
Greater Chennai.



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

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- 3 The Superintendent Of Police
Central Prison, Puzhal, Chennai.
- 4 The Inspector Of Police
Chennai Central Railway Police Station,
Chennai.
- 5 The Public Prosecutor
High Court, Madras.

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