



WEB COPY



HCP.No.1752 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.1752 of 2024

Rajesh

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of The Commissioner of Police,
Vepery, Chennai-600 054.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
E1 Mylapore Police Station,
Chennai District.

... Respondents



HCP.No.1752 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records in connection with the order of detention passed by the 2nd respondent dated 10.05.2024 in BCDFGISSSV No.489/2024 against the petitioner's son Surya, S/o. Rajesh, aged about 25 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before this court and set him at liberty.

For Petitioner : Mr.S.Chandrasekar

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, Office of Commissioner of Police, Vepery, Chennai in BCDFGISSSV No.489/2024, dated 10.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.Admittedly, the known language to the detenue 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.



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In 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 BCDFGISSSV No.489/2024, dated 10.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

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

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HCP.No.1752 of 2024

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

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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of The Commissioner of Police,
Vepery, Chennai-600 054.
3. The Superintendent of Prison,
Central Prison, Puzhal,
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