



WEB COPY



HCP.No.1816 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.1816 of 2024

Savithri

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PETITIONER

Vs

- 1 State Represented By its
Home Secretary To The Govt. Of Tamil Nadu
Home Prohibition And Excise Department,
Fort St. George, Chennai 600009.
- 2 The Commissioner Of Police
Greater Chennai, Chennai 600003.
- 3 The Inspector Of Police
N-4 Fishing Harbor Police Station,
Chennai – 13.
- 4 The Superintendent Of Prison
Central Priosn, Puzhal.

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RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in relating to the order of detention passed by the 2nd respondent dated 14.05.2024 in No. 500/ BCDFGISSSV/2024 against the petitioner's son the detenue Harish male aged about 28 years son of Tamil Mani who is confined at Central Prison Puzhal and set aside the same and direct the respondent to produce the detenue before this honble court and set him at liberty.



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For Petitioner : Mr.T.Perinbanathan
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.500/BCDFGISSSV/2024 dated 14.05.2024 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. In other words, the Government Order furnished to the detenue is in unknown language to the detenue, which would vitiate the entire proceedings.

3.The non supply of translated version of the Government Order in Tamil caused prejudice to the detenue for submitting effective representation, which is a valuable right provided to the detenue 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.500/BCDFGISSSV/2024 dated 14.05.2024 is quashed and the Habeas Corpus

Petition is allowed. The detinue, viz., Harish, male aged about 28 years, son of Tamil Mani, 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 State Represented By its
Home Secretary To The Govt. Of Tamil Nadu
Home Prohibition And Excise Department,
Fort St. George, Chennai 600009.
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- 4 The Superintendent Of Prison, Central Priosn, Puzhal.
- 5 The Public Prosecutor, High Court, Madras.



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AND
V.SIVAGNANAM, J.

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