



WEB COPY



HCP.No.1766 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.1766 of 2024**

Rithika

... Petitioner

***Vs.***

1. State of Tamil Nadu rep. by  
The Addl. Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai - 600 009.
2. The Commissioner of Police,  
Greater Chennai Police Commissioner,  
The Commissioner Office,  
Veperry, Chennai - 7.
3. The Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai -600 066.
4. The Inspector of Police,  
G5 Secretariat Colony Police Station,  
Chennai.

... Respondents



HCP.No.1766 of 2024

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order in Memo No.478/BCDFGISSSV/2024 dated 09.05.2024 passed by the 2<sup>nd</sup> respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Sathish S/o.Aruldoss the detainee. Now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's husband Sathish S/o.Aruldoss aged about 25 years, the detainee herein at liberty.

For Petitioner : Mr.N.Naresh

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 2<sup>nd</sup> respondent in proceedings Memo No.478/BCDFGISSSV/2024 dated 09.05.2024 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



HCP.No.1766 of 2024

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.Thus, the impugned order of detention passed by the 2<sup>nd</sup> respondent in proceedings Memo No.478/BCDFGISSSV/2024 dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detinue viz., Sathish, aged about 25 years, S/o.Aruldoss, now confined in 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.]

**07.08.2024**

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

gd



WEB COPY



HCP.No.1766 of 2024

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

gd

To

1. The Addl. Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai - 600 009.
2. The Commissioner of Police,  
Greater Chennai Police Commissioner,  
The Commissioner Office,  
Veperry, Chennai - 7.
3. The Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai -600 066.
4. The Inspector of Police,  
G5 Secretariat Colony Police Station,  
Chennai.
6. The Public Prosecutor,  
Madras High Court.

H.C.P.No.1766 of 2024

07.08.2024