



WEB COPY



HCP.No.1777 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.1777 of 2024

Poornima

... Petitioner

Vs.

1. State of Tamil Nadu,
rep. by The Additional 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,
Vepery, Chennai-600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai Dt.-600 066.
4. The Inspector of Police,
G5 Secretariat Colony Police Station,
Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records relating to the detention order in Memo No.479/BCDFGISSSV/2024 dated 09.05.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's grandson Vijayaianuvel, son of Alex, the detainee, now confined in Central Prison, Puzhal, Chennai before this court and set the petitioner's grandson Vijaianuvel, S/o. Alex, aged about 22 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 Commissioner of Police, Greater Chennai Police Commissioner, the Commissioner Office, Vepery, Chennai in proceedings No.479/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



HCP.No.1777 of 2024

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. Accordingly, the impugned order of detention in proceedings No. 479/BCDFGISSSV/2024, dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

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

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HCP.No.1777 of 2024

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

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To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai Police Commissioner,
The Commissioner Office,
Vepery, Chennai-600 007.
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