



HCP.No.1846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

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

H.C.P.No.1846 of 2024

Elaiyaraja

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Petitioner

Vs

- 1 The Secretary to The Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2 District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
- 3 The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
- 4 The Superintendent of Prison,
Special Prison for Women,
Vellore.-2
- 5 The Inspector Of Police
Tiruvannnamalai Town Police Station,
Tiruvannamalai District.

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Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records in connection with the order of Detention passed by the second respondent dated 15.07.2024 in D.O.No.39/2024-C2 against the petitioner's Mother Marikannu, Female, aged 55 years, W/o.Govindan, who is confined at Special Prison for women, Vellore and set aside the same and direct the respondents to produce the detainee before the Honble Court and set her at Liberty.

For Petitioner : Mr. P.Raman
For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the second respondent / District Collector and District Magistrate, Tiruvannamalai, in D.O.No.39/2024-C2 dated 15.07.2024 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



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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 respondent in D.O.No.39/2024-C2 dated 15.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Marikannu, Female, aged 55 years, W/o.Govindan, now confined at Special Prison for women, Vellore, is directed to be set at liberty forthwith, unless she is required in connection with any other case.

[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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- 6 The Public Prosecutor,
High Court, Madras.



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AND
V.SIVAGNANAM, J.

mrp

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