



WEB COPY



HCP.No.1897 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.1897 of 2024

Vijayalalitha

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PETITIONER

Vs

- 1 The Additional Chief Secretary
To Government, Home, Prohibition And
Excise Department, Fort St.George,
Chennai-600 009.
- 2 The District Collector And
District Magistrate, Ariyalur District,
Ariyalur.
- 3 The Superintendent Of Police
Ariyalur District.
- 4 The Superintendent,
Central Prison, Thiruchirapalli.
- 5 The Inspector Of Police,
Meensurutty Police Station,
Ariyalur 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 calling for the records relating to the detention order passed by the second respondent pertaining to the order made in Cr.M.P.No.19/2024 dated 08.07.2024 in detain the detinue under 2(b) of Tamil Nadu Act 14 of 1982, as a BOOTLEGGER and quash the same and direct the respondent to produce the detinue Velmurugan son of Veerasamy aged about 40 years who is detained at Central Prison, Thiruchirapalli before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.G.Nirmal Krishnan

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, Ariyalur District, in Cr.M.P.No.19/2024 dated 08.07.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Admittedly, the known language to the detinue 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 detinue is in unknown language to the detinue, which would vitiate the entire proceedings.



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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/District Collector and District Magistrate, Ariyalur District, in Cr.M.P.No.19/2024 dated 08.07.2024, is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Velmurugan son of Veerasamy aged about 40 years who is detained at Central Prison, Thiruchirapalli, 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.]

30.08.2024

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

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- 6 The Public Prosecutor,
High Court, Madras.



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