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HCP.No.1862 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.1862 of 2024

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Vs

PETITIONER

- 1 The Secretary To The Government
Home Prohibition And Excise Dept.,
Secretariat, Chennai 600 009.
- 2 District Collector And District
Magistrate of Kallakurichi District,
Kallakurichi.
- 3 The Superintendent Of Police
Kallakurichi District, Kallakurichi.
- 4 The Superintendent Of Prison,
Central Prison, Cuddalore.
- 5 The Inspector Of Police
Kallakurichi Police Station,
Kallakurichi 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 records in connection with the order of detention passed by the second respondent dated 06.07.2024 in D.O.No.C2/25/2024 against the petitioner husband Palanivel, Male aged 49 years S/o. Kaliyan, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenue before the Hon'ble court and set him 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, Kallakurichi District, in D.O.No.C2/25/2024 dated 06.07.2024 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.



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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, Kallakurichi District, in D.O.No.C2/25/2024 dated 06.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Palanivel, Male aged 49 years S/o. Kaliyan, who is confined at Central Prison, Cuddalore, 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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