



WEB COPY



HCP.No.1889 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.1889 of 2024

Sakthivel

...
Vs

PETITIONER

- 1 The Secretary To The Government,
Home Prohibition And Excise Department.,
Secretariat, Chennai - 600 009.
- 2 District Collector And
District Magistrate Of Tiruvannamalai
District, Tiruvannamalai.
- 3 The Superintendent Of Police
Tiruvannamalai District, Tiruvannamalai.
- 4 The Superintendent Of Prison
Central Prison, Vellore.
- 5 The Inspector Of Police
Tiruvannamalai PEW Police Station,
Tiruvannamalai District.

...

RESPONDENTS



HCP.No.1889 of 2024

WEB 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 15.07.2024 in D.O.No.38/2024-C2 against the petitioner Brother Thamizharasan, male aged 28 yrs S/o. Rajendiran, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenue before the Honble 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, Tiruvannamalai District, in D.O.No.38/2024-C2 dated 15.07.2024 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.



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In 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. Hence, for the aforesaid reason, the detention order passed by the second respondent/ District Collector and District Magistrate, Tiruvannamalai District, in D.O.No.38/2024-C2 dated 15.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detinue, viz., Thamizharasan, male aged 28 yrs S/o. Rajendiran, who is confined at Central Prison, Vellore, 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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Tiruvannamalai District.
- 6 The Public Prosecutor,
High Court, Madras.



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AND
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