



WEB COPY



HCP.No.2322 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

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

H.C.P.No.2322 of 2024

Ammaiyappan

... Petitioner /father of detenu

Vs

1. The State of Tamilnadu,
represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai – 9.
2. The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
4. The Inspector of Police,
Thiruvannamalai West Police Station,
Thiruvannamalai District.
5. The Superintendent,
Central Prison, Vellore

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the records of the detention made in D.O.No.45/2024-C2 dated 02.08.2024 passed by the District Collector and District Magistrate, Thiruvannamalai District, Thiruvannamalai, the 2nd respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set aside the detenu Thiru Vallikandhan @ Murali, S/o. Ammaiyappan, aged 38 years, now confined in Central Prison, Vellore at liberty.

For Petitioner : Mr. R. Balakrishnan
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 District Collector and District Magistrate, Thiruvannamalai District, in D.O.No.45/2024-C2 dated 02.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Both the order of remand and the extension order enclosed along with the booklet and served on the detenu has not been translated in the language known to the detenu, which resulted in causing prejudice to the detenu to submit his



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representation in an effective manner, which is a valuable right conferred under the

Act.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in D.O.No.45/2024-C2 dated 02.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Vallikandhan @ Murali, S/o.Ammaiyappan, male, aged 38 years, now confined in 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.]

03.10.2024

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

mrp



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

mrp

To

Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai – 9.

2. The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.

3. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

4. The Inspector of Police,
Thiruvannamalai West Police Station,
Thiruvannamalai District.

5. The Superintendent,
Central Prison, Vellore

5. The Public Prosecutor,
High Court, Madras.

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