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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 126 of 2026

Ajay
S/o.Ayyanar,
J.J.Nagar,
Veedur Village,
Tindivanam Taluk,
Villupuram District.

..Petitioner(s)

Vs

1. State rep. By
   The Secretary to Government,
   Home, Prohibition and Excise Department,
   Fort St.George,
   Chennai - 9.
2. The District Collector and District Magistrate
   Villuppuram District,
   Villuppuram.

3. The Superintendent of Police
   Villupuram District,
   Villupuram.

4. The Superintendent of Prison
   Central Prison,
   Cuddalore.

5. The Inspector of Police
   Vikravandi Police Station,
   Villupuram District.

..Respondent(s)

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Petition filed under Article 226 of the Constitution of India praying to issue a writ or order or direction particularly writ in a nature of WRIT OF HABEAS CORPUS to call for the records in Rc.No.C2/54/2025 dated 08.11.2025 on the file of the District Collector and District Magistrate, Villupuram District, Villupuram, the Second respondent herein and quash the same as illegal and direct the respondent to produce the detenue Rajesh, S/o.Ayyanar, aged about 20 years, now confined at Central Prison, Cuddalore, before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.D.Bhuvaneshwaran
for M/s.S.Sengkodi

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

(Order of the Court was made by Dr.Anita Sumanth J.)

The brother of one Rajesh (detenu) S/o. Ayyanar, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 08.11.2025.

2. We have heard Mr.D.Bhuvaneshwaran, learned counsel for M/s.S.Sengkodi, learned counsel for petitioner and Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side) for respondents.

3. Learned counsel for the petitioner assails the impugned order on

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various grounds. Firstly, he states that several documents had not been translated, and, as the detenu has studied only upto the tenth standard in Tamil medium, he has been prevented from making an effective representation.

4. We have perused the booklet supplied to the detenu. We do find, as alleged, that there are documents that are in English that have not been translated. That apart, the statements in the confession statement recorded from the detenu are also clear in regard to the educational qualifications of the detenu and that he is engaging in welding work. Hence we agree that the non-furnishing of the documents in a language known to the detenu has prejudiced him, and prevented him from making an effective representation to the authorities.

5. We draw support in this regard from the judgement of the Supreme Court in *Powanammal Vs. State of Tamil Nadu* ((1999) 2 SCC 413), where the relevant observations read as follows:

> *8.The law relating to preventive detention has been crystallized and the principles are well neigh settled. The amplitude of the safeguard embodied in Art. 22(5) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenue but also to supplying their translation in script or language which is understandable to the detenue. Failure to do so would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making a representation against the order. (See Hadibandhu Das v. District Magistrate, Cuttack & Anr., [1969] 1 SCR 227).*
>
> ***9.** However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a*

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> *document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.*

6. That apart, his bail application is pending, based on which the detaining authority premises his subjective satisfaction that the detenu may be enlarged on bail. For such satisfaction, he refers to Crl.MP.No.6452 of 2023 where bail was granted by the Principal Sessions Judge, Chengalpattu on 28.11.2023.

7. We have compared the facts and circumstances and we find that in the present case, the detenu is also alleged to have committed offence under Section 109 of IPC which does not figure in the case of that accused. Since the circumstances in the present matter are far graver, we find that the subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, as the gravity of the offences in the present case would, no doubt, weigh with the authorities as and when the bail application filed by the detenu would be considered.

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8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Rc.No.C2/54/2025 dated 08.11.2025 is set aside.

9. The detenu, viz., Rajesh, S/o.Ayyanar, male aged 20 years, now confined in Central Prison, Cuddalore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
14-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

Note to Registry : Issue Today

To

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

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

3. The Superintendent of Police
   Villupuram District,
   Villupuram.

4. The Superintendent of Prison
   Central Prison,
   Cuddalore.

5. The Inspector of Police
   Vikravandi Police Station,

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Villupuram District.

6. The Joint Secretary to Government,
Public (Law & Order), Secretariat,
Fort St.George, Chennai-600 009.

7. The Public Prosecutor, High Court, Madras.

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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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