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H.C.P.Nos.1971, 2338 & 2321 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.Nos.1971,2338 & 2321 of 2025

HCP No. 1971 of 2025

Kamar Nisha, Female/Aged 47 years,
W/o. Abdul Hasem Salim
39, Thiruvallur Nagar, Pandukudi,
Koothanallur Taluk, Kothangudi,
Thiruvarur District – 614 101.

.. Petitioner

VS

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Govt,
Prohibition and Excise Department (Home),
Fort St.George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Thiruvarur District, Thiruvarur.
- 3.The Superintendent of Police,
Thiruvarur District, Thiruvarur.
- 4.The Superintendent of Prison,
Central Prison, Thiruchirapalli.
- 5.The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.

.. Respondents



H.C.P.Nos.1971, 2338 & 2321 of 2025

Prayer in HCP No.1971 of 2025 : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records pertaining to the detention order dated 26.08.2025 in C.O.C.No.23/2025 passed by the 2nd respondent and issue direction to produce the petitioner's son named Mohamed Rasuludeen, S/o. Jalal Maraikkaiyar, aged 21 years, presently confined at Central Prison, Thiruchirapalli, before this Court and set him at liberty forthwith.

H.C.P.No. 2338 of 2025

Rafiath Pazhariya, aged 40
W/o. Sahul Hammed
Thiruvalluvar Nagar,
Pandukudi, Koothanallur & Post
Koothanallur Police Station limit,
Koothanallur Taluk, Tiruvarur District.

.. Petitioner

VS

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Govt,
Prohibition and Excise Department (Home),
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Thiruvarur District, Thiruvarur.
- 3.The Superintendent of Police,
Thiruvarur District, Thiruvarur.
- 4.The Inspector of Police,
Tiruvarur Taluk Police Station,
Thiruvarur District.
- 5.The Superintendent of Prison,
Central Prison, Thiruchirapalli.

.. Respondents

Prayer in HCP No.2338 of 2025 : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records of the detention made in C.O.C.No.21/2025 dated 25.08.2025 passed by the District Collector and District Magistrate,



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Tiruvarur District, Tiruvarur, the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Mohamed Aadam, son of Sahul Hammed, aged about 21 years, now confined in Central Prison, Thiruchirappalli and set him at liberty.

HCP No. 2321 of 2025

Baragath Nisha, aged 40

W/o. Mohamed Aarif, Paraiyadi II Street,

Thenkasi & Post,

Thenkasi Town Police Station limit,

Thenkasi Taluk, Thenkasi District.

.. Petitioner

VS

1.The State of Tamil Nadu

Rep. by its Additional Chief Secretary to Govt,
Prohibition and Excise Department (Home),
Secretariat, Chennai-600 009.

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

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

4.The Inspector of Police,
Tiruvarur Taluk Police Station,
Thiruvarur District.

5.The Superintendent of Prison,
Central Prison, Thiruchirappalli.

.. Respondents

Prayer in HCP No.2321 of 2025 : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records of the detention made in C.O.C.No.22/2025 dated 25.08.2025 passed by the District Collector and District Magistrate, Tiruvarur District, Tiruvarur, the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Haji Mohamed, son of Mohamed Aarif, aged about 21 years, now confined in Central Prison, Thiruchirappalli and set him at liberty.



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For Petitioner : Mr.M.P.Yuvaraj
(in HCP No. 1971/2025)
Mr.R.Balakrishnan
(in HCP Nos. 2321 & 2338/2025)
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

COMMON ORDER
(Made by SUNDER MOHAN, J.)

The relatives of the three detenus, who are co-accused in Cr.No.245 of 2025 and branded as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982, have preferred the above habeas corpus petition, challenging the detention orders dated 25.08.2025.

2.The learned counsel for the petitioners had raised common grounds assailing the orders of detention. The learned counsel would submit that the subjective satisfaction of the detaining authority as regards the real possibility of the detenus coming out on bail suffers from non-application of mind as the facts in the case relied upon by the detaining authority to arrive at such a conclusion are not similar to the facts in the ground case. They would also submit that the arrest intimation which was furnished at page 58 of the booklet was not translated in Tamil language, which is the language known to the detenus.



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3.The learned Additional Public Prosecutor, per contra, would submit that the case relied upon by the detaining authority is similar and, therefore, the subjective satisfaction of the detaining authority is not vitiated. He however, fairly conceded that the translated copy of the arrest intimation was not furnished to the detenus.

4.We have perused the order dated 14.10.2024 passed in CrI.M.P.No.1690 of 2024 which has been relied upon by the detaining authority to infer that the detenus are likely to be released on bail. We find that the facts in the said case are not similar as the accused in that case was not charged for double murder. The detenus have been accused of double murder. Therefore, we are of the view that the satisfaction of the detaining authority as regards real possibility of the detenus' release on bail, suffers from non-application of mind on this aspect.

5.That apart, the translated copy of the arrest intimation had not been furnished to the detenus. Admittedly, the detenus are only acquainted with Tamil language. This has deprived the detenu of his right to make an effective representation. In this regard, we may refer to the judgment of the Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* reported in ((1999) 2 SCC 413). The relevant observations are as follows:



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“8. The law relating to preventive detention has been crystallized and the principles are well nigh 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 detenu but also to supplying their translation in script or language which is understandable to the detenu. 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 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. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in C.O.C.Nos.23,21 & 22/2025, dated 25.08.2025 are set aside.



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7. The detenus, viz., Mohamed Rasuludeen, S/o. Jalal Maraikkaiyar, aged 21 years (HCP No.1971/25), Mohamed Aadam, S/o. Sahul Hammed, aged 21 years (HCP No.2338/25), Haji Mohamed, S/o. Mohamed Aarif, aged 21 years (HCP No. 2321/25) now confined in Central Prison, Tiruchirappalli, are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
07.04.2026

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

Note : Issue Today

To

- 1.The Additional Chief Secretary to Govt,
Prohibition and Excise Department (Home),
Fort St.George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Thiruvarur District, Thiruvarur.
- 3.The Superintendent of Police,
Thiruvarur District, Thiruvarur.
- 4.The Superintendent of Prison,
Central Prison, Thiruchirapalli.



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5. The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.

6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7. The Public Prosecutor,
High Court, Madras.

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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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