



WEB COPY

HCP No. 1975 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1975 of 2025

Selvi

..Petitioner

Vs

1.The State of Tamil Nadu rep by Additional Chief
Secretary to Government
Home Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

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

3.The Superintendent of Police
Erode District, Erode.

4.The Superintendent of Prison
Central Prison, Coimbatore.

5.The Inspector of Police
Erode Town Police Station, Erode.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or direction in the nature of the detention order dated 30.08.2025 passed by the second respondent in his proceedings No.Cr.M.P.No.50/DRUG OFFENDER/2025 C1 and quash the same and direct the respondents herein to produce the petitioner son namely Karthi @ Motta Karthi, Son



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of Saravanan aged about 23 years, who is presently under going detention in the Central Prison, Coimbatore, as Drug Offender before this Court and set him at liberty forthwith.

For Petitioner:	Mr.C.S.Saravanan
For Respondent(s):	Mr. R. Muniyapparaj Additional Public Prosecutor assisted By Mr. M. Sylvester John

ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of the detenu-Karthi @ Motta Karthi, branded as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 30.08.2025.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The learned counsel for the petitioner would submit that the impugned order of detention has to be set aside for the reason that the Government Order delegating the power of detention to the 2nd



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respondent herein has not been translated in Tamil; and that the special report of the sponsoring authority is undated, thereby denying the detenu to make an effective representation against the detention order.

4. Heard the learned Additional Public Prosecutor, who would fairly concede that the translated version of the Government Order was not furnished to the detenu and the special report of the sponsoring authority is undated.

5. It is seen from the booklet furnished to the detenu that the Government Order has not been translated in Tamil, while other documents were translated in Tamil, which is the language known to the detenu. It is well settled that if the document is not furnished in the language known to the detenu, his right to make effective would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of documents in the language known to the detenu renders the detenu's detention illegal.



6. That apart, we find that the special report of the sponsoring authority is undated. The compelling necessity to detain the detenu would depend on the date on which the sponsoring authority has sent his report. In the absence of the said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful.

7. Further in '*Rekha Vs. State of Tamil Nadu through Secretary to Government and another*' reported in '*2011 [5] SCC 244*', the Hon'ble Supreme Court had held that where the detention order is passed on any irrelevant material, then, the detention order is liable to be quashed. Therefore, we are of the view that for both the aforesaid reasons the impugned detention order is liable to be set aside.

8. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order in **Cr.M.P.No.50/DRUG OFFENDER/2025 C1** dated **30.08.2025** is set aside.



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9. The detenu, viz., Karthi alias Motta Karthi, **S/o. Saravanan** aged **23** years, now confined in **Central Prison, Coimbatore**, 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.)
24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ars

To

1. The Additional Chief Secretary to Government
Home Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

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

3. The Superintendent of Police
Erode District, Erode.

4. The Superintendent of Prison
Central Prison, Coimbatore.

5. The Inspector of Police
Erode Town Police Station,
Erode.

6. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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