



HCP.No.1026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**  
**AND**  
**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**H.C.P.No.1026 of 2024**

Farjana Parveen

... Petitioner/wife of the detenue

***Vs.***

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

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

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

4.The Superintendent,  
Central Prison, Cuddalore.

5.The Inspector of Police,  
Vridhachalam Police Station,  
Cuddalore District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent pertaining to the order made in C3/D.O/32/2024, dated 24.04.2024 in detain the detenu under 2(e) of Tamil Nadu Act 14 of 1982, as a Drug Offender and quash the same and direct the respondent to produce the detenu Mansoor Ali, son of Jabar Ali, aged about 38 years, who is detained at Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner : Mr.R.Silambarasan

For Respondents : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

### **ORDER**

**M.S.RAMESH, J.**  
**AND**  
**SUNDER MOHAN, J.**

The petitioner herein, who is the wife of the detenu namely Mansoor Ali, son of Jabar Ali, aged about 38 years, detained at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent dated 24.04.2024 slapped on her husband, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders,



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Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act,  
1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the entries in English in the prayer for remand has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On perusal of the documents available on record, particularly in Page No.70 of the booklet, this Court finds that a copy of the prayer for remand is available, in which the entries in English has not been translated in vernacular version. Therefore, the detenue is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.





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*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.*

..... **16.***For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”*

**6.** In view of the ratio laid down by the Hon'ble Supreme Court and



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in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 24.04.2024 in C3/D.O/32/2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Mansoor Ali, son of Jabar Ali, aged about 38 years, detained at Central Prison, Cuddalore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[M.S.R., J]

[S.M., J]

01.08.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

*Anu*

***Note :- Registry shall forthwith return the booklet containing the materials, on which, the Detaining Authority has placed reliance, to the petitioner/counsel for the petitioner with due acknowledgment.***



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Cuddalore.
- 3.The Superintendent of Police,  
Cuddalore District,  
Cuddalore.
- 4.The Superintendent,  
Central Prison, Cuddalore.
- 5.The Inspector of Police,  
Vridhachalam Police Station,  
Cuddalore District.
- 6.The Joint Secretary,  
Law and Order Department,  
Secretariat, Chennai.
- 7.The Public Prosecutor,  
Madras High Court.



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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

*Anu*

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