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HCP No. 390 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

HCP No. 390 of 2025

Santha Soroopini
W/o.Sham Singh, No.28/2 Nair
Ayyapillai Street, Royapettah, Chennai-
600 014.

Petitioner(s)

Vs

1. The State Of Tamilnadu Rep.By Its
Secretary To Govt.
Home, Prohibition And Excise
Department, Fort St.George, Chennai-9.

2.The Commissioner Of Police
Greater Chennai, Vepery,
Chennai-600 007.

3.The Superintendent Of Prison
Central Prison, Puzhal,
Chennai-600 066.



4.The Inspector Of Police
Prohibition Enforcement Wing,
Adayar, Chennai.

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Respondent(s)

PRAYER

To issue a Writ of Habeas Corpus or any other appropriate writ, order or direction more specifically in the nature of a writ of Habeas Corpus call for the entire records leading to the detention of the petitioners husband Ajay S/o.Sham singh, Male aged about 26 years is presently lodged in Central prison for Puzhal, Puzhal at Chennai and has been detained under Act 14/82 as a Drug Offender vide detention order dated 16.12.2024 on the file of the 2nd respondent herein, made in No.1253/BCDFGISSSV/2024 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Honble court and thereafter set him at liberty from the central prison, puzhal, chennai.

For Petitioner(s): M/s.M.Rajavelu

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by Mr.M.Sylvester John

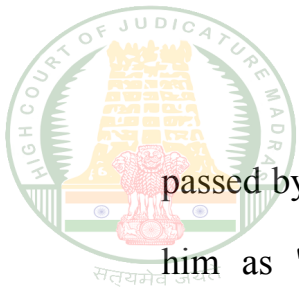
ORDER

M.S.RAMESH, J.

AND

N.SENTHILKUMAR, J.

The petitioner herein, who is the mother of the detenu viz., Ajay, S/o.Shyam Singh, aged about 26 years, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order



passed by the second respondent dated 16.12.2024 slapped on his son, 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, 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 English version of similar case bail order 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 Nos.74 to 76 in Volume-II of the booklet, this Court finds that a copy of the similar case bail order 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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5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in '**Powanammal Vs. State of Tamil Nadu**' reported in '**(1999) 2 SCC 413**'. The Hon'ble Supreme Court, after discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the Detention Order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} as follows:

“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



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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.”*

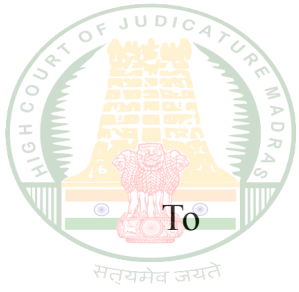
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 16.12.2024 in No.1253/BCDFGISSSV/2024 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Ajay, S/o.Shyam Singh, aged about 26 years, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

(M.S.RAMESH J.)(N.SENTHILKUMAR J.)

01-04-2025

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To

1. The Secretary To Govt.
Home, Prohibition And Excise
Department, Fort St.George, Chennai-9.

2.The Commissioner Of Police
Greater Chennai, Vepery, Chennai-600
007.

3.The Superintendent Of Prison
Central Prison, Puzhal,
Chennai-600 066.

4.Inspector Of Police
Prohibition Enforcement Wing,
Adayar, Chennai.

5. The Public Prosecutor,
High Court of Madras, Chennai.



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