



HCP.No.333 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.333 of 2025

M.V.Raja

... Petitioner

Vs.

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

2.The District Collector & District Magistrate
Tirupathur District
Tirupathur 635 601

3.The Superintendent of Police
Tirupathur District, Tirupathur - 1

4.The Superintendent of Prison
Central Prison, Vellore- 2

5.The Inspector of Police
Kandili Police Station
Tirupathur District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, calling for the records in connection with the



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WEB COPY order of detention passed by the second respondent dated 23.01.2025 C3/D.O.No.01/2025 against the petitioner's son Palani, male, aged 33 years, S/o.Raja, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
AND
V.LAKSHMINARAYANAN, J.

The petitioner herein, who is the father of the detenu viz. Palani, aged about 33 years, S/o.Raja, has come forward with this petition challenging the detention order passed by the second respondent dated 23.01.2025 slapped on his son, branding him as "Goonda" 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 learned counsel for the petitioner, as well as learned



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Additional Public Prosecutor appearing for respondents.

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3. Though 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 Accident Register 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 a perusal of the documents available on record, particularly in Page Nos.116 & 117 of the booklet, a copy of the Accident Register is available and the translated copy in vernacular version of the same has not been furnished to the detenue. Therefore, the detenue is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

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



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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



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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 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 23.01.2025 in No.C3/D.O.No.01/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz. Palani, aged about 33 years, S/o.Raja, presently confined in Central Prison, Vellore, is directed to be set at liberty forthwith, unless his confinement is required



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in connection with any other case.

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[M.S.R, J.]

[V.L.N, J.]

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Index: Yes/No
Neutral Citation

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High Court of Madras,
Chennai 600 104.

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