



H.C.P.No.341 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM :

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

H.C.P.No.341 of 2025

Suganthi

... Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai
Chennai

3.The Superintendent of Prisons
Central Prison
Puzhal, Chennai -66.

4.The Inspector of Police, Law & Order
P-3, Vyasarpadi Police Station,
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records from the 2nd respondent in connection with order No.67/BCDFGISSSV/2025 dated



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05.02.2025 quash the same and produce the petitioner's cousin viz. Sathish, S/o.Manavalan, aged 48 years, now confined in Central Prison, Puzhal, Chennai under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mrs.S.Nadhiya

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

ORDER

M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.

The petitioner herein, who is the cousin of the detenu, viz. Sathish, aged 48 years, S/o.Manavalan, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 05.02.2025 slapped on his cousin, 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 the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3.Though learned counsel for the petitioner has raised several



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other grounds to assail the order of detention, she has mainly focused his argument on the ground that the copy of the bail order in the similar case has not been furnished to the detenu. In this circumstances, learned counsel for petitioner stated that serious prejudice has been caused to the petitioner for making effective representation.

4. On a perusal of the Booklet, it is seen that the detenue has not been furnished with a copy of the bail order in the similar case. Since a specific stand has been taken that serious prejudice is caused to the petitioner to make effective representation, this Court finds that the failure to furnish a proper translated copy of the Arrest Card and Arrest Intimation Form, vitiates the Detention Order.

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

WEB 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 document in the language known to and understood by the detenu, should the document be in a different language.



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..... *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 05.02.2025 in No.67/BCDFGISSSV/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz. Sathish, aged about 48 years, S/o.ManavalanSathish, presently confined in Central Prison , Puzhal, Chennai, is directed to be set at



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M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.

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liberty forthwith, unless his confinement is required in connection with
any other case.

[M.S.R, J.] [V.L.N, J.]

12.06.2025

kas

Index: Yes/No

Neutral Citation: Yes/No

To

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Fort St. George, Chennai-600 009.

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5.The Public Prosecutor,
High Court of Madras
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