



H.C.P.No.441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.441 of 2025

A.Kumari

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Prohibition and Excise Department
Fort St. George
Chennai 600 009

2.The Commissioner of Police
Avadi Commissionarate
Avadi City

3.The Superintendent of Police
Central Prison - Puzhal
Chennai 600 066

4.The Inspector of Police
Law and Order
E-3, Minjur Police Station
Avadi City, Chennai

... Respondents

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



H.C.P.No.441 of 2025

issue a Writ of Habeas Corpus, to call for the records in detention order passed in No.10/ BCDFGISSSV/2025 dated 04.02.2025 passed by the 2nd respondent herein and quash the same and direct the respondents herein to produce the body of the detenu namely (Manikandan @ Sori Mani, male, aged 28, S/o.Anandaraj, No.369, Perumal Koil 1st Street, Athipattu Pudhu Nagar, Chennai 600 120, who is now confined in Central Prison - Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.D.Dhanasekar

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

ORDER

M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.

The petitioner, who is the mother of the detenu, viz. Manikandan @ Sori Mani, aged about 28 years, S/o.Anandaraj, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the third respondent dated 04.02.2025 slapped on her 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].



H.C.P.No.441 of 2025

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 other grounds to assail the order of detention, he has mainly focused his argument on the ground that the full order of 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 documents available on record, particularly in Page No.64 of the booklet in Volume-II, only a part of the similar case original order in English is available and the detenu has not been furnished with a full set of the English translated copy of the original order in similar case. Therefore, the detenu 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

WEB.COM

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



WEB COPY



H.C.P.No.441 of 2025

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 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 04.02.2025 in No.10/ BCDFGISSSV/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz. Manikandan @ Sori Mani, aged about 28 years, S/o.Anandaraj,



H.C.P.No.441 of 2025

presently confined in 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.R, J.]

[V.L.N, J.]

24.07.2025

kas

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

To

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

2.The Commissioner of Police
Avadi Commissionarate
Avadi City

3.The Superintendent of Police
Central Prison - Puzhal
Chennai 600 066

4.The Inspector of Police
Law and Order
E-3, Minjur Police Station
Avadi City, Chennai

5.The Public Prosecutor,
High Court of Madras
Chennai 600 104



WEB COPY



H.C.P.No.441 of 2025

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

kas

H.C.P.No.441 of 2025

24.07.2025