



H.C.P.No.636 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.07.2025

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.636 of 2025

Praveen Patel

.. Petitioner

Vs.

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of Police / Detaining Authority,
Coimbatore City,
Coimbatore District.
- 3.The Superintendent of Prison,
Central Prison – Coimbatore,
Coimbatore District.
- 4.State rep. by its,
The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 15.03.2025 on the file of the 2nd respondent made in proceedings C.No.29/G/IS/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother namely M.Ganpat, S/o.Mangalaram, aged 24 years before this Court and set the petitioner's brother at liberty from detention, now the petitioner's brother detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein, who is the brother of detenu viz. M.Ganpat, aged about 24 years, S/o.Mangalaram, now confined in Central Prison at Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent dated 15.03.2025, issued on his brother, 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].



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

3.Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the detenu was not furnished with proper translated copy of Government Order in G.O.(D).No.4, Home, Prohibition and Excise (XVI) Department, dated 09.01.2025. Hence, it is submitted that the detenu was deprived of making effective representation.

4.On a perusal of the Booklet, particularly in page Nos.74 & 75 of Volume - I, it is seen that a copy of the Government Order in G.O.(D).No.4, Home, Prohibition and Excise (XVI) Department, dated 09.01.2025 is partially in Tamil and partially in English and its proper translated copy in vernacular language has not been furnished to the detenu. This non-furnishing of the copy of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention.



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5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in the case of '**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



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

7.Accordingly, the detention order passed by the second



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respondent in C.No.29/G/IS/2025 dated 15.03.2025, is hereby set aside and the Habeas Corpus Petition is allowed. The petitioner's brother / detenu viz., M.Ganpat, S/o.Mangalaram, aged 24 years, confined at Central Prison, Coimbatore, 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)

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Index : Yes / No
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Neutral Citation : Yes / No



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To

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Peelamedu Police Station,
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- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
- 6.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.



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V.LAKSHMINARAYANAN, J.

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