



H.C.P.No.626 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.626 of 2025

Asha Devi

.. Petitioner

Vs.

- 1.The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai – 600 009.
- 2.District Collector and District Magistrate of
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, to call for the records in



H.C.P.No.626 of 2025

WEB COPY

connection with the order of Detention passed by the 2nd respondent dated 18.03.2025 in C3/D.O./30/2025 against the petitioner Husband Pradeep Mohan, Male aged 29 years, S/o. Moses Sambath, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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 wife of detenu viz., Pradeep Mohan, aged about 29 years, S/o.Moses Sambath, now confined at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent dated 18.03.2025, issued on her husband, 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].



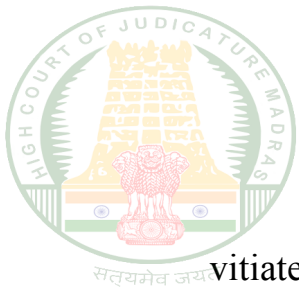
H.C.P.No.626 of 2025

WEB COPY

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

3.Though several grounds are raised in the petition, the learned counsel for the petitioner submitted that the order of Detention passed by the Detaining Authority is vitiated for material irregularities, as the order of detention has not been properly translated. It is therefore stated that the detenu is deprived of his valuable right to make effective representation.

4.On a perusal of the Booklet in Volume-I, particularly page No.70, this Court finds that a copy of the order of detention is available in both Tamil and English. However, certain portions of the English version have not been translated into the vernacular language. Therefore, this Court is of the view that the improper translation of the copy of the vital document relied upon by the Detaining Authority to arrive at a subjective satisfaction, would deprive the detenu of his valuable right to make effective representation. It is in the said circumstances, this Court finds that the Detention Order passed by the Detaining Authority is



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initiated.

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



WEB COPY



H.C.P.No.626 of 2025

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.

..... **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.



H.C.P.No.626 of 2025

WEB COPY

7. Accordingly, the detention order passed by the second respondent in C3/D.O./30/2025 dated 18.03.2025, is hereby set aside and the Habeas Corpus Petition is allowed. The petitioner's husband / detenu viz., Pradeep Mohan, aged about 29 years, S/o.Moses Sambath, now confined at Central Prison, Cuddalore, 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



H.C.P.No.626 of 2025

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- 5.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
- 6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
- 7.The Public Prosecutor,
High Court, Madras.



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