



HCP.No.846 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH  
AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.846 of 2025

Soundararajan

... Petitioner

Vs.

1.The Additional Chief Secretary to Government  
Home, Prohibition and Excise Department  
Fort St. George  
Chennai-600 009

2.The Commissioner of Police  
O/o the Commissioner of Police  
Greater Chennai  
Chennai 600 007

3.The Superintendent  
Central Special Prison for Women  
Puzhal, Chennai 600 066

4.State rep. by  
The Inspector of Police  
Land Fraud Investigation Wing-1  
Gama - 1, Central Crime Branch  
Greater Chennai 600 007

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in No.192/ BCDFGISSSV/ 2025, dated 15.04.2025 against the petitioner's mother branding her as "GOONDA" and quash the same and direct the respondent to produce the petitioner's mother Geetha, W/.Kandaswamy, aged about 53 years, now confined at Central Special Prison for Women, Puzhal, Chennai before this Court and set her at liberty.

For Petitioner : Mr.A.Nirmal Kumar Sharma

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

### ORDER

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

The petitioner herein is the son of the detenue viz. Tmt.Geetha, W/o.Kandasamy, aged about 53 years, confined at Special Prison for Women, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 15.04.2025 slapped on his mother, branding her as "GOONDA" under the Tamil Nadu



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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 the 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 Legal heir certificate furnished in Volume I 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 No.107 of the booklet in Volume I, Legal Heir ship Certificate 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



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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 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*



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*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.*

..... **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



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order is liable to be quashed.

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7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 15.04.2025 in No.192/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detainee viz., Tmt.Geetha, W/o.Kandasamy, aged about 53 years, confined at Special Prison for Women, Puzhal, Chennai, is directed to be set at liberty forthwith, unless her confinement is required in connection with any other case.

[M.S.R, J.] [V.L.N, J.]  
19.08.2025

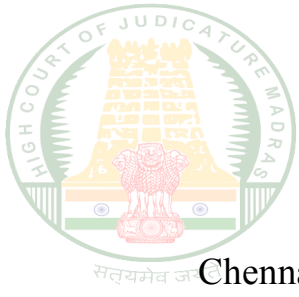
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Index: Yes/No  
Neutral Citation  
Speaking / Non speaking

To

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O/o the Commissioner of Police  
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5.The Public Prosecutor  
High Court of Madras  
Chennai 600 104



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