



H.C.P.No.892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

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Jayachitra

... Petitioner

*Vs.*

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

2.The Commissioner of Police /  
Detaining Authority  
Tiruppur City  
Tiruppur District

3.The Superintendent of Prison  
Central Prison - Coimbatore  
Coimbatore District

4.State rep. by its  
The Inspector of Police  
VELAMPALAYAM Police Station  
Tiruppur District

... 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 relating to the



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petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 28.04.2025 on the file of the second respondent herein made in proceedings C.No.21/D.O.IS/Tiruppur City/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely KAPSA KARTHICK @ KARTHICK, S/o.Murugesan, aged 25 years, before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

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. Kapsa Karthick @ Karthick, aged about 25 years, S/o.Murugesan, confined at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent dated 28.04.2025 slapped on her son, 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].



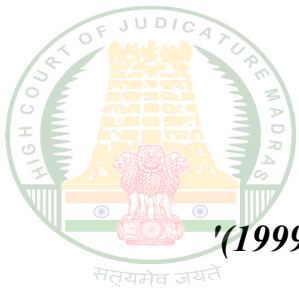
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**WEB COPY** 2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

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 detention order furnished to the detenu has not been properly translated. 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.66 of the booklet in Volume-I, a copy of the order for the detention in custody of an accused person is available and the detenu was not furnished with a properly translated copy of the same. 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 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*



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*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 28.04.2025 in C.No.21/D.O.IS/ TIRUPPUR CITY / 2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz. Kapsa Karthick @ Karthick, aged about 25



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years, S/o.Murugesan, presently confined in 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.]

31.07.2025

kas

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

To

1.The Principal Secretary to Government  
Home, Prohibition and Excise Department  
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Chennai 600 009

2.The Commissioner of Police /  
Detaining Authority  
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5.The Public Prosecutor,  
High Court of Madras  
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