



H.C.P.No.933 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

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CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH  
AND  
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.933 of 2025

Lileswari Suna

... Petitioner

*Vs.*

1.State of Tamil Nadu  
Rep. by the Principal Secretary to Government  
Home, Prohibition & Excise Department,  
Fort St. George,  
Chennai-600 009.

2.The District Magistrate and District Collector  
Office of the District Magistrate and District Collector  
Tiruppur District  
Tiruppur

3.The Superintendent of Police  
Tiruppur District

4.The Superintendent of Prison  
Central Prison  
Coimbatore  
Coimbatore District

5.The Inspector of Police  
Prohibition Enforcement Wing  
Dharapuram  
Tiruppur District

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records relating to the detention order vide Cr.M.P.No.13/Drug Offender/2025 dated 26.03.2025 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's husband namely Rupesh Mahat, S/o.Purundhar Mahat, aged 26 years, (who is presently under going detention in the Central Prison, Coimbatore), before this Court and set him at liberty.

For Petitioner : Mr.M.N.Balakrishnan

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

**ORDER**

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

The petitioner herein, who is the wife of the detenu, viz. Rupesh Mahat, aged 26 years, S/o.Purundhar, confined at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent dated 26.03.2025 slapped 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].



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2. Heard the learned counsel for the petitioner, as well as the

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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 detenu belongs to Odisha and no document in Odissi has 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 in booklet Volume-I and Volume II, the detention related documents are available, it is represented that the detenu is from Odisha, and no translated version of the same in Odissi has been furnished to the detenu. 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 supported by prejudice caused to him in making an*



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*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 26.03.2025 in Cr.M.P.No.13/Drug Offender/ 2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz. Rupesh Mahat, aged about 26 years, S/o.Purundhar Mahat, presently confined in Central Prison, Coimbatore is directed to be set



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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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kas

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

To

Rhe Principal Secretary to Government  
Home, Prohibition & Excise Department,  
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High Court of Madras  
Chennai 600 104



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