



H.C.P.No.1083 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1083 of 2025

Krishnaveni

... Petitioner/Mother of the Detenu

-VS-

1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai, Tamil Nadu - 600 009.
2. State of Tamil Nadu,
Rep. by the District Magistrate and District Collector,
First Floor, Collectorate,
Kancheepuram – 631 501.
3. State of Tamil Nadu,
Rep. by the Superintendent of Police,
Vadavasi-Kanchipuram Road, Thaiyar Kullam,
Collector Office Campus,
Kanchipuram - 631 501.
4. State of Tamil Nadu,
Rep. by the Superintendent of Prisons,
Central Prison, Puzhal,
Chennai, Tamil Nadu - 600 066.
5. State of Tamil Nadu,,



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Rep. by the Inspector of Police,
G-2, Uthiramerur Police Station PEW,
Kancheepuram, Tamil Nadu – 603 403.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records, pertaining to the order of detention dated 09.05.2025 passed by the 2nd respondent in TPDA 7072 in Rc.No.454/2025/M6-D.No.15/2025 and quash the same and produce the detenue, Surya, S/o.Sankar, male, aged about 24 years, who is detained in Central Prison, Puzhal before this Honble court and set him at liberty.

For Petitioner : Mr.M.Jayasuriya
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the mother of the detenu, namely Surya, S/o.Sankar, male, aged about 24 years, detained at Central Prison, Puzhal, has come forward with this petition challenging the detention order dated 09.05.2025, passed by the second respondent in TPDA 7072 in Rc.No.454/2025/M6-D.No.15/2025, branding him as "Drug Offender", as contemplated under Section 2 (e) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand



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Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982

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2. Heard the learned counsel for the petitioner and 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 translated version of the Remand Order dated 13.04.2025 as found in Page Nos.65 to 67 is improper. This deprived the detenu from making effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On perusal of the documents available on record, particularly in Page Nos.65 to 67 of the booklet (Vol.I), the Remand Order dated 13.04.2025 has been improperly translated, as there was omission in the translation of note portion. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the



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Detaining Authority is vitiated.

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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 of th said judgment 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



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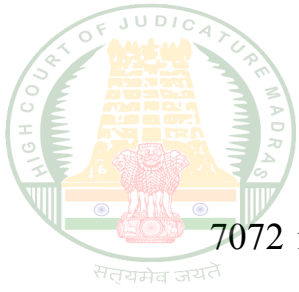
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opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of 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. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the Second respondent in TPDA



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7072 in Rc.No.454/2025/M6-D.No.15/2025 dated 09.05.2025, is hereby set

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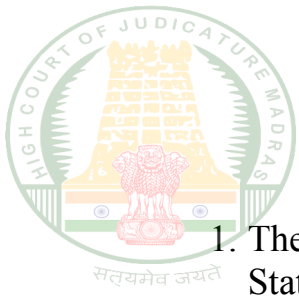
aside. The detenu, viz., Surya, S/o.Sankar, male, aged 24 years, who is now confined in the Central Prison, Puzhal is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.N.B.J.) (S.S,J.)
12.09.2025

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6. The Public Prosecutor,
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