



WEB COPY



HCP.No.1120 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P.No.1120 of 2025

Pappathi

... Petitioner

Vs

- 1.The State rep by its,
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Magistrate and District Collector.
- 3.The Superintendent of Police,
Office of the Superintendent of Police, Tiruppur.
- 4.The Superintendent of Prison,
Central Prison at Coimbatore, Gandhipuram,
Coimbatore – 641 018.
- 5.The Inspector of Police,
Uthukuli Police Station, Tiruppur. ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to



HCP.No.1120 of 2025

issue a writ of Habeas Corpus, to call for the records in Detention order in Cr.M.P.No.08/GOONDA/2025 dated 28.02.2025 on the file of the second respondent and set aside the same and direct the respondents herein to produce the petitioner's son / detenue Mr.Ganesan S/o. Maran aged 35 years now confined in Central Prison at Coimbatore before this Court and set him at liberty.

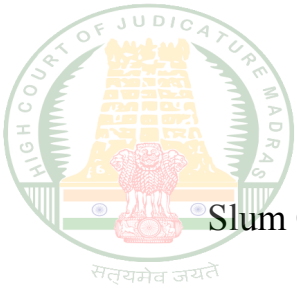
For Petitioner : Mrs.R.Subadra Devi &
Mr.M.Mohamed Saifulla

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

ORDER

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

The petitioner herein, who is the mother of the detenue, Ganesan s/o.Maran aged about 35 years, confined at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent dated 28.02.2025 issued against her son, branding him as "Goonda" 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,



HCP.No.1120 of 2025

Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

WEB COPY

2. Heard the learned counsel for the petitioner and 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 copy of the form of order of the detention in custody, has not been properly translated. It is therefore stated that the detenue is deprived of his valuable right to make effective representation.

4. On a perusal of the Booklet in Volume-I, particularly page Nos.52 & 53, this Court finds that a copy of the form of order of the detention in custody 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 detenue 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 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



WEB COPY



HCP.No.1120 of 2025

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 order



HCP.No.1120 of 2025

is liable to be quashed.

WEB COPY

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 28.02.2025 in Cr.M.P.No.08/GOONDA/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenue viz., Ganesan s/o. Maran aged about 35 years, confined at Central prison, Coimbatore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[M.S.R., J]
09.07.2025

[V.L.N., J]

nl

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No



WEB COPY



HCP.No.1120 of 2025

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Magistrate and District Collector.
- 3.The Superintendent of Police,
Office of the Superintendent of Police, Tiruppur.
- 4.The Superintendent of Prison,
Central Prison at Coimbatore, Gandhipuram,
Coimbatore – 641 018.
- 5.The Inspector of Police,
Uthukuli Police Station, Tiruppur.
- 6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 7.The Public Prosecutor,
High Court, Madras.

Page 7 of 9



WEB COPY



HCP.No.1120 of 2025

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

H.C.P.No.1120 of 2025



WEB COPY



HCP.No.1120 of 2025

09.07.2025