



H.C.P.No.1178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 12-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE **J. NISHA BANU**

AND

THE HONOURABLE MR. JUSTICE **S. SOUNTHAR**

H.C.P.No.1178 of 2025

Valarmathi,
W/o Sheik Devuth

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai - 600 009

2. The District Magistrate and District Collector,
Office of the District Collector and District Magistrate,
Namakkal, Namakkal District.

3. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.

4. The Superintendent of Prison,
Salem Central Prison, Salem

5. The Inspector of Police,
Namakkal Police Station,
Namakkal District.

... Respondents



H.C.P.No.1178 of 2025

WEB COPY

PRAYER: The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, to call for records relating to the detention order passed by the 2nd respondent in C.M.P.No.44/GOONDA/2025/(M1) dated 10.05.2025 and quash the same and direct the respondents to produce the detenu by name Thiru. Vimal Basheer, S/o Sheik Davuth, aged about 27 years, now confined at Salem Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.NISHA BANU, J.
AND
S.SOUNTHAR, J

The petitioner is the mother of the detenu, viz., Vimal Basheer, S/o.Sheik Davuth, aged about 27 years, has come forward with this petition challenging the detention order passed by the second respondent in C.M.P.No.44/GOONDA/2025/(M1) dated 10.05.2025, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest offenders,



H.C.P.No.1178 of 2025

Goondas, Immoral Traffic offenders, Sand offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982] read with the order issued by the Government in G.O.(D).No.121 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under sub section (2) of Section 3 of the said Act and direct the respondents to produce the body of the detenu and set him at liberty forthwith.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the Arrest Intimation Form was not fully translated to Tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.



H.C.P.No.1178 of 2025

WEB COPY 4. On a perusal of the Booklet, it is seen that Page No.35 of the booklet furnished to the detenu, i.e., Arrest Intimation Form, was not fully translated to Tamil version. Therefore, the detenue 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



WEB COPY



H.C.P.No.1178 of 2025

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 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.



H.C.P.No.1178 of 2025

WEB COPY 7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 10.05.2025 in C.M.P.No.44/Goonda/2025/ (M1) is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Vimal Basheer S/o.Sheik Davuth, aged about 27 years, confined at Central Prison, Salem, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

(J.NISHA BANU, J.) (S. SOUNTHAR, J.)

12-09-2025

Vsi

To

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai - 600 009
2. The District Magistrate and District Collector,
Office of the District Collector and District Magistrate,
Namakkal, Namakkal District.



H.C.P.No.1178 of 2025

3. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.

4. The Superintendent of Prison,
Salem Central Prison, Salem

5. The Inspector of Police,
Namakkal Police Station,
Namakkal District.

6. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



H.C.P.No.1178 of 2025

J. NISHA BANU, J.
and
S. SOUNTHAR, J.

Vsi

H.C.P.No.1178 of 2025

12-09-2025