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H.C.P.No.1236 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1236 of 2025

Ellammal

... Petitioner/Mother of detenue

-VS-

1. The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.

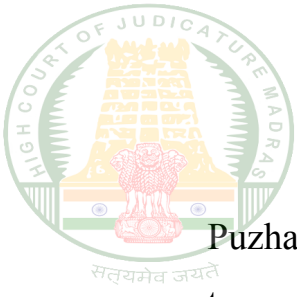
2. The Commissioner of Police,
Avadi Commissionerate Avadi City,
Thiruvallur District.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.

4. The Inspector of Police,
T-7, Tank Factory Police Station,
Thiruvallur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the 2nd respondent in Memo No.75/BCDFGISSSV/2025 dated 17.05.2025 against the petitioner's son Arun, male, aged about 23 years, S/o.Velu vide his proceedings now confined in Central Prison,



H.C.P.No.1236 of 2025

Puzhal, Chennai District and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.V.Mohan

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 Arun, S/o.Velu aged about 23 years, detained at Central Prison, Puzhal, Chennai District, has come forward with this petition challenging the detention order dated 17.05.2025, passed by the second respondent in Memo No.75/BCDFGISSSV/2025, branding him as a "Goonda", as contemplated under Section 2 (f) of 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).

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



H.C.P.No.1236 of 2025

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 there was no translated version of the Arrest Intimation Memo in Page No.20 of Vol.I in vernacular language furnished to the detenu. 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 No.20 of the booklet (Vol.I), the translated copy of the Arrest Intimation Form in vernacular version has not 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



H.C.P.No.1236 of 2025

discussing the safeguards embodied in Article 22 (5) of the Constitution, observed that the detenue 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 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



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H.C.P.No.1236 of 2025

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, The Habeas Corpus Petition is allowed and the Detention Order passed by the Second in Memo No.75/BCDFGISSSV/2025 dated 17.05.2025 is hereby set aside. The detenu, viz., Arun, S/o.Velu, aged 23 years, who is now confined in the Central Prison Puzhal, Chennai, 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.,)
17.09.2025

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J.NISHA BANU, J.



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H.C.P.No.1236 of 2025

AND
S.SOUNTHAR, J.
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To:

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H.C.P.No.1236 of 2025

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