



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

HCP No. 1247 of 2025

Mrs.Rasamma,
W/o Mariyappan,D.No.164/1
Kovilur, Ennamangalam Village,
Anthiyur Taluk, Erode District - 638 501

..Petitioner(s)

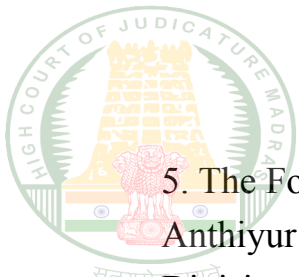
Vs

1. The Government of Tamilnadu,
rep. by the Principal Secretary, Home,
Prohibition and excise Department,
Secretariate, Fort St.George, Kamarajar
Salai, Chennai - 600 009.

2. The District Magistrte and District
Collector,
Erode District, Erode.

3. The District Forest Officer,
Erode Forest Division, Erode-638 004

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



5. The Forest Range Officer,
Anthiyur Forest Range, Erode Forest
Division, Erode Division -638 501

Respondent(s)

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PRAYER

To issue a Writ of Habeas Corpus or any other appropriate writ, orders or direction in the nature of Habeas Corpus to call for the records in the impugned detention order passed in Cr.M.P.No.23/Forest Offender/2025 C1, Dated 04.06.2025 by the 2nd respondent, quash the same and set at liberty the detenu namely, Ammasai, aged 35 years, son of Mariyappan residing at D.No.164/1, Kovilur, Ennamangalam Village, Anthiyur Taluk, Erode District, presently confined at Central Prison at Coimbatore.

For Petitioner(s) : Mr.V.Vijayakumar

For Respondent(s): Mr.A.Gokulakrishnan,
Additional public Prosecutor.

ORDER

J.Nisha Banu,J.

and

S.Sounthar,J.

The petitioner is the mother of the detenu, viz., Ammasai, Son of Mariyappan, aged about 35 years, who is confined at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent in Cr.M.P.No.23/Forest Offender/2025-C1 dated 04.06.2025, branding him as "Forest Offender" under the Tamil Nadu



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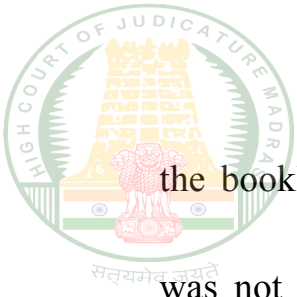
Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest offenders, Goondas, Immoral Traffic offenders, Sand offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982] read with the order issued by the Government in G.O.(D).No.112 Home Prohibition and Excise (VI) Department dated 11.04.2025 under section 3(2) of the aforesaid Act.

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 delegation of power passed in G.O.(D)No.112 dated 11.04.2025 was not translated in tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. Learned Additional Public Prosecutor would fairly state that the said G.O. was not translated in tamil version.

5. On a perusal of the Booklet, it is seen that in Vol-II, page Nos.41-42 of



the booklet, i.e., G.O.(D).No.112 dated 11.04.2025, furnished to the detainee,

was not translated in tamil version. Therefore, the detainee is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

6. 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



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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.”*

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.

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7. Accordingly, the habeas Corpus Petition is allowed and the detention order passed by the second respondent in Cr.M.P.No.23/Forest Offender/2025/C1 dated 04.06.2025 is hereby set aside. The detenu, viz., Ammasai, Son of Mariyappan, aged about 35 years, who is now confined in the Central Prison, Coimbatore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

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

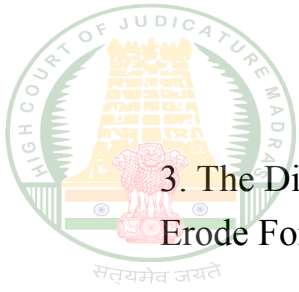
14-10-2025

vsi

To

1.The Principal Secretary , Home
Prohibition and Excise Department, Secretariate,
Fort St.George, Kamarajar
Salai, Chennai - 600 009.

2.The District Magistrate and District
Collector,
Erode District, Erode.



3. The District Forest Officer,
Erode Forest Division, Erode - 638 004.

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

5. The Forest Range Officer,
Anthiyur Forest Range, Erode Forest
Division, Erode Division - 638 501.

6. The Joint Secretary, Law & Order Dept., Secretariat, Chennai-9

7. The Public Prosecutor, High Court, Chennai



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