



H.C.P.No.1259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM:

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

AND

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

H.C.P.No.1259 of 2025

S.Sethuramadurai,
S/o Sermandurai

... Petitioner

Vs.

1. The Principal Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai – 600 009

2. The Commissioner of Police/Detaining Authority,
Coimbtore City.

3. The Superintendent of Central Prison,
Coimbatore.

4. The Inspector of Police,
B-5, Vadavalli Police Station,
Coimbatore City.

... Respondents

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 the records relating to the detention order passed by the second respondent pertaining to the order made in C.No.86/G/IS/2025 dated 22.05.2025 in detaining the detenu under 2(f) of the Tamil Nadu Act 14 of 1982 as a 'GOONDA' and quash the same and direct the respondent to



H.C.P.No.1259 of 2025

produce the detenu, S.Sethuramadurai, Son of Sermadurai, aged about 31 years, who is detained in Central Prison, Coimbatore before the Court and set him at liberty.

For Petitioner : Mr.O.S.Thilak Pasumbadiyar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.Nisha Banu,J.

and

S.Sounthar,J

The petitioner / detenu, viz., S.Sethuramadurai, aged 31 years, S/o Sermadurai, who is confined at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent in C.No.86/G/IS/2025 dated 22.05.2025, 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, 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.98 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under section 3(2) of the aforesaid Act.



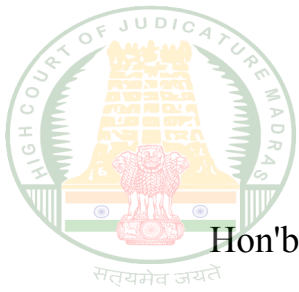
H.C.P.No.1259 of 2025

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 the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument that the final report of the first adverse case has not been properly translated. This deprived the detenu from making effective representation. Therefore, he would state that the detention order is liable to be quashed.

4. On perusal of the documents available on record, particularly, in Volume-I, Page 164 to 167 of the booklet, it is seen that the final report of the first adverse case has been partially translated and has not been fully translated. 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



H.C.P.No.1259 of 2025

Hon'ble Supreme Court in 'Powanammal Vs. State of Tamil Nadu'

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“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



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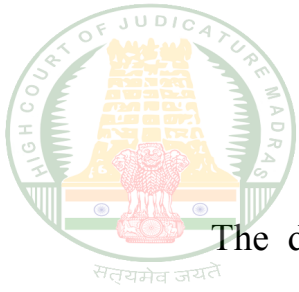
H.C.P.No.1259 of 2025

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. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent respondent in C.No.86/G/IS/2025 dated 22.05.2025 is hereby set aside.



H.C.P.No.1259 of 2025

The detenu, viz., S.Sethuramadurai, aged 31 years, S/o Sermandurai, 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.)

19.09.2025

vsi

To

1. The Principal Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai – 600 009
2. The Commissioner of Police/Detaining Authority,
Coimbtore City.
3. The Superintendent of Central Prison,
Coimbatore.
4. The Inspector of Police,
B-5, Vadavalli Police Station,
Coimbatore City.
5. The Public Prosecutor,
High Court, Chennai



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H.C.P.No.1259 of 2025

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