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HCP No. 1275 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

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

HCP No. 1275 of 2025

1. RAJESHWARI

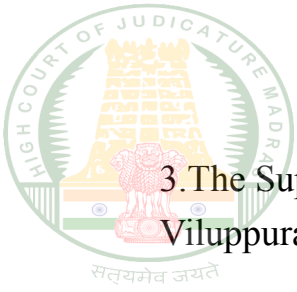
W/o.Rajasekar, No.45, West Street,
Chettikuppam Village, Anumanthai
Post, Marakkanam Taluk, Viluppuram
District.

Petitioner(s)

Vs

1. State Of Tamilnadu, Rep.By, The
Additional Chief Secretary To
Government,
Home, Prohibition And Excise
Department, Fort St.George, Chennai-
600 009.

2.District Collector And District
Magistrate Of Villupuram District,
Office Of The District Collector And
District Magistrate, Villupuram,
Villupuram District.



3.The Superintendent Of Police,
Viluppuram, Viluppuram District.

4.The Superintendent Of Prison,
Central Prison, Cuddalore, Cuddalore
District.

5.The Inspector Of Police,
Auroville Police Station, Viluppuram
District.

Respondent(s)

PRAYER

To issue a Writ of Habeas Corpus or any other Writ of direction calling for the records relating to the detention order in Rc.No.C2/24/2025, dated 04.06.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioners husband, RAJASEKAR, S/O.KUPPUSAMY aged about 45 years the detenue, now confined in Central Prison, Cuddalore before this Honble Court and set him at liberty

For Petitioner(s): M/s.S. Prem Kumar

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

**ORDER****J.Nisha Banu J.****and****S.Sounthar,J.**

The petitioner is the wife of the detenue, viz., Rajasekar S/o Kuppusamy, aged 45 years, has come forward with this petition challenging the detention order passed by the second respondent in Rc.No.C2/24/2025 dated 04.06.2025, branding her as "Bootlegger" 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].

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 report was not properly translated in tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. Learned Additional Public Prosecutor would also fairly states that the remand report has not been translated properly in tamil version.

5. On a perusal of the Booklet, it is seen that in Vol.I at page 96, the arrest intimation, furnished to the detenue, was not translated fully in tamil version.



Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

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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 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.

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..... *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.

7. Accordingly, the detention order passed by the second respondent on 04.06.2025 in Rc..No.C2/24/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenue viz., Rajasekar, aged 45 years, S/o.Kuppusamy, detained at Central Prison, Cuddalore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

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

07-10-2025

vsi

To

1. The Additional Chief Secretary To



Government,
Home, Prohibition And Excise
Department, Fort St.George, Chennai-
600 009.

2.District Collector And District
Magistrate Of Villupuram District,
Office Of The District Collector And
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4.The Superintendent Of Prison,
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5.The Inspector Of Police,
Auroville Police Station, Viluppuram
District.

6. The Joint Secretary, Law and Order Department, Secretariat, Chennai

7. The Public Prosecutor, High Court, Chennai.



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