



H.C.P.No.1294 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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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.1294 of 2025

Musthirijohn

... 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,
Salem City, Salem District.

3. The Superintendent,
Central Prison, Salem,
Salem District.

4. State Rep. by its
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 15.05.2025 on the file of the second respondent herein made in proceedings C.M.P.No.22/Goonda/Salem City/2025, quash the same as



H.C.P.No.1294 of 2025

illegal and consequently direct the respondents herein to produce the petitioner's son, namely, Mustafa, S/o.Noor Ahamed, aged 30 years before this High Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Salem.

For Petitioner : Mr.W.Camyles Gandhi

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 Mustafa, S/o.Noor Ahamed aged about 30 years, detained at Central Prison, Salem, has come forward with this petition challenging the detention order dated 15.05.2025, passed by the second respondent in C.M.P.No.22/Goonda/Salem City/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



H.C.P.No.1294 of 2025

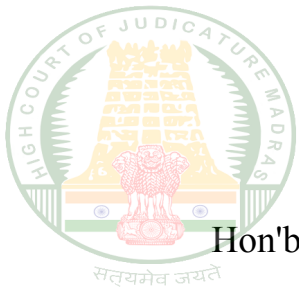
Additional Public Prosecutor appearing for the respondents.

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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 Nos.27 & 27 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 Nos.27 & 28 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



H.C.P.No.1294 of 2025

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 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.



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H.C.P.No.1294 of 2025

..... **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 detainee be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

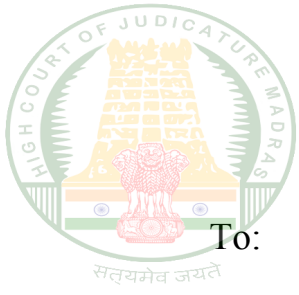
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, the Habeas Corpus Petition is allowed and the Detention Order passed by the Second Respondent in Proceedings No.C.M.P.No.22/Goonda/Salem City/2025 dated 15.05.2025 is hereby set aside. The detainee, viz., Mustafa, S/o.Noor Ahamed, aged 30 years, who is now confined in the Central Prison Salem, 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

Index: Yes / No
Internet: Yes / No
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.
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H.C.P.No.1294 of 2025

To:

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H.C.P.No.1294 of 2025

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