



H.C.P.No.1318 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM:

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

AND

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

H.C.P.No.1318 of 2025

Amutha,
W/o Muniyappan

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

3.The Superintendent of Police,
Namakkal,
Namakkal District.

4.The Superintendent of Prison,
Central Prison-Salem,
Salem District.

5.State rep. by its
The Inspector of Police,
Namakkal Police Station,
Namakkal District.

... 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



H.C.P.No.1318 of 2025

for the records relating to the petitioner's son detention under Tamil Nadu Act vide detention order dated 10.05.2025 on the file of the second respondent herein made in proceedings C.M.P.No.46/GOONDA/2025/(M1) and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Rajasekaran, S/o Muniyappan, aged 25 years, before this Court and set the petitioner's son at liberty from detention, now the petitioner's son is detained at Central Prison, Salem.

For Petitioner : Mr.Camyles Gandhi

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, viz., Rajasekaran, S/o Muniyappan, aged 25 years, who is confined at Central Prison, Salem, has come forward with this petition challenging the detention order passed by the second respondent in C.M.P.No.46/GOONDA/ 2025/(M1) dated 10.05.2025, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest offenders, Goondas, Immoral Traffic



H.C.P.No.1318 of 2025

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.121 Home Prohibition and Excise (XVI) 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 remand 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.



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5. On a perusal of the Booklet, it is seen that in Vol.I at page 112, the remand report, furnished to the detenu, 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.

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



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H.C.P.No.1318 of 2025

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.

7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C.M.P.No.46/GOONDA/ 2025/(M1) dated 10.05.2025 is hereby set



H.C.P.No.1318 of 2025

aside. The detenu, viz., Rajasekaran, Son of Muniyappan, aged about 25 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.NISHA BANU J.) (S.SOUNTHAR J.)

22.09.2025

vsi

To

- 1.The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Namakkal,
Namakkal District.
- 3.The Superintendent of Police,
Namakkal,
Namakkal District.
- 4.The Superintendent of Prison,
Central Prison-Salem, Salem District.
5. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
6. The Public Prosecutor,
High Court, Chennai



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H.C.P.No.1318 of 2025

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H.C.P.No.1318 of 2025

22-09-2025