



WEB COPY



H.C.P.No.1398 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1398 of 2025

Ponselvi

... Petitioner/Detenuue's Mother

-VS-

1. The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai-9.
2. The District Magistrate and District Collector,
Kallakurichi District, Kallakurichi.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The superintendent of Police,
Kallakurichi.
5. The Inspector of Police (L & O),
Thiagadurgam Police Station,
Kallakurichi.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records of the detention made in D.O.No.C2/19/2025 dated 17.06.2025 the second respondent herein and set



H.C.P.No.1398 of 2025

aside the same and direct the respondents to produce the detainee Bharath S/o.Elango age 21 yrs now confined in Cenetral Prison Cuddalore before this Honble Court and set the detainee Bharath at liberty.

For Petitioner : Mr.D.Balaji
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

The petitioner herein, who is the mother of the detainee, namely, Bharath, S/o.Elango, aged about 21 years, detained at Central Prison, Cuddalore has come forward with this petition, challenging the detention order dated 17.06.2025, passed by the second respondent in D.O.No.C2/19/2025, branding him as a "Drug Offender", as contemplated under Section 2(e) 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 Additional Public Prosecutor appearing for the respondents.

3. Though learned counsel for the petitioner has raised several



H.C.P.No.1398 of 2025

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 at Page No.15 of Vol.I 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. Learned Additional Public Prosecutor has not refuted the non-supply of the translated version to the detenu.

5. On perusal of the documents available on record, particularly in Page No.15 of the booklet (Vol.I), the translated copy of the Arrest Intimation Memo 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.

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



H.C.P.No.1398 of 2025

discussing the safeguards embodied in Article 22 (5) of the Constitution, observed that the detenue 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 detenue, 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 detenue 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 detenue'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 detenue, 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 detenuee be set free



WEB COPY



H.C.P.No.1398 of 2025

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

7. 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.

8. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the **SECOND RESPONDENT** in D.O.No.C2/19/2025 dated **17.06.2025**, is hereby set aside. The detenu, viz., Bharath, S/o.Elango, aged about 21 years, who is now confined in the **Central Prison, Cuddalore** is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(N.S.K,J.,) (M.J.R,J.,)
24.11.2025

Index: Yes / No
Internet: Yes / No
ar

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.



H.C.P.No.1398 of 2025

ar

To:

WEB COPY

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai-9.
2. The District Magistrate and District Collector,
Kallakurichi District, Kallakurichi.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The superintendent of Police,
Kallakurichi.
5. The Inspector of Police (L & O),
Thiagadurgam Police Station,
Kallakurichi.
6. The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai-600 009.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1398 of 2025

24.11.2025