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HCP No. 1522 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

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

H.C.P No. 1522 of 2025

1. Tamilselvi

W/o. Kumaresan, No.188, Pillaiyar
Kovil Street, Ambethkar Nagar,
Athipattu Puthu Nagar, Tiruvallur,
Tamilnadu - 600120.

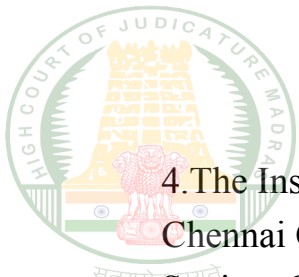
Petitioner(s)

Vs

1. The Additional Chief Secretary to
Government,
Home, Prohibition and Excise
Department, Secretariat, St.George,
Fort, Chennai-600009.

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

3.The Superintendent of Police,
Central Prison, Puzhal-II, Chennai.



4. The Inspector of Police,
Chennai Central Railway Police
Station, Chennai.

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Respondent(s)

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 BCDFGISSSV.No.275/2025 dated 26.05.2025, passed by the 2nd respondent under the respondent to produce the petitioner Husband Mr.Kumaresan S/o. Pachiappan aged about 30 years, the detenu now confined in Central prison, Puzhal-II, Chennai before this hon'ble Court and set aside the petitioner Husband Kumaresan S/o. Pachiappan aged about 30 years the detenu herein at liberty.

For Petitioner(s): Mr. R.Nagaraj

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

ORDER

J.NISHA BANU J.

and

S.SOUNTHAR J.

The petitioner herein is the wife of the detenu viz., Kumaresan S/o.Pachiappan, aged about 30 years, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 26.05.2025, slapped on her husband, 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].

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 Form was not properly translated to Tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page No.20 of the Volume-I furnished to the detenu, i.e., Arrest Intimation Form was not properly translated to Tamil version. 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 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.

..... 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.”

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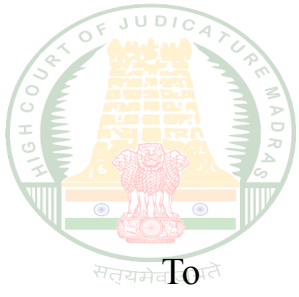
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 26.05.2025 in BCDFGISSSV.No.275/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., **Kumaresan S/o.Pachaiappan**, aged about 30 years, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

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

23-09-2025

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- To
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