



HCP No. 1484 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 1484 of 2025

Kalaiyarasi,

Petitioner(s)

Vs.

1. State Rep by, Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600009.

2.The Commissioner of Police,
Salem City, Salem.

3.The Superintendent of Police,
Central Prison, Salem.

4.The Inspector of Police,
Shevapet Police Station, Salem City.

Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in connection with the detention order passed by the second respondent dated 14.07.2025 in CMP.No.34/Goonda/Salem City/2025 against petitioner's husband Lingaraj, age 38 years S/o. Ramarpandi who is confined in Central Prison, Salem, and set aside the detention order and direct the respondents to produce him before this Court and set him at liberty.

For Petitioner(s): Mr.L.Ramanathan

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



HCP No. 1.001.01.2025

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the second respondent in CMP.No.34/Goonda/Salem City/2025, dated 14.07.2025, is sought to be quashed in the present Habeas Corpus Petition.

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 other grounds to assail the order of detention, he has mainly focused his argument on the ground that the translated version of the Property List sent to Magistrate as found in Page No.67 is improper. 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 Page No.67 of the booklet (Vol.I), the Property List sent to Magistrate has been improperly translated with regard to the factum of the case. 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 of the 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.

..... 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 detenu 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. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in CMP.No.34/Goonda/Salem City/2025, dated 14.07.2025, is hereby set aside. The detenu, viz., Lingaraj, aged 38 years, S/o. Ramarpandi, who is now confined in Central Prison, Salem, 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.,)

18-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. State Rep by, Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600009.

2.The Commissioner of Police,
Salem City, Salem.

3.The Superintendent of Police,
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5. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN, J.**

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