



WEB COPY

HCP No. 1497 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

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

HCP No. 1497 of 2025

1. Manish, S/o.Mariyappan,
No.85/A, L.N.S.Puram, Eruvadi,
Tirunelveli District. Now confined at
Central Prison, Coimbatore,
Coimbatore District.

Petitioner(s)

Vs

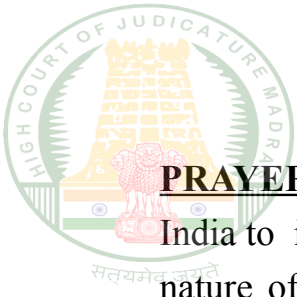
1. The Secretary to the Government,
Home, Prohibition and Excise
Department, Secretariat,
Chennai-600 009.

2.Commissioner of Police/Detaining
Authority,
Tiruppur City, Tiruppur District.

3.The Superintendent,
Central Prison, Coimbatore District.

4.State Rep.by, The Inspector of Police,
Anuppappalayam Police Station,
Tiruppur District.

Respondent(s)



PRAYER: Habeas Corpus Petition filed under Article 226 of Constitution of India to issue a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ call for the records in Connection with the order of Detention passed by the 2nd Respondent dated 30.05.2025 in C.No.32/I.T.O/IS/Tiruppur City/2025 against the petitioner MANISH, M/30 Years, Son of Mariyappan, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the Respondents to produce the detainee before the Honble Court and set him at liberty.

For Petitioner(s): Mr. A.Saranraj

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

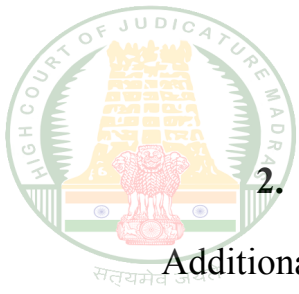
ORDER

J.NISHA BANU J.

and

S.SOUNTHAR J.

The petitioner/ detainee, viz., MANISH, M/30 Years, Son of Mariyappan, who is confined at Central Prison, Coimbatore has come forward with this petition challenging the detention order passed by the second respondent dated 30.05.2025 branding him as "Immoral Traffic Offender" 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. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

WEB COPY

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 detenu was furnished with illegible copy of Observation Mahazar found at Page Nos.15 and 16 of the Volume-II. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On perusal of the typed sets in Volume-II, it is seen that the copy of the observation Mahazar found at Page Nos.15, 16 of the Volume-II, furnished to the detenu, is illegible. This furnishing of illegible copy of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention.

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:



WEB COPY



“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.”

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 30.05.2025 in C.No.32/I.T.O/IS/Tiruppur City/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detainee, viz, MANISH, M/30 Years, Son of Mariyappan, confined at Central Prison, Coimbatore is directed to be set at liberty forthwith, unless he is required in connection with any other case.

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

25-09-2025

Internet: Yes
MST

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2. Commissioner of Police/Detaining
Authority,
Tiruppur City, Tiruppur District.

3. The Superintendent,
Central Prison, Coimbatore District.

4. The Inspector of Police,
Anupparpalayam Police Station, Tiruppur
District.



WEB COPY

HCP No. 1497 of 2



J.NISHA BANU J.
AND
S.SOUNTHAR J.

MST

H.C.P No. 1497 of 2025

25-09-2025