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H.C.P.No.1520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1520 of 2025

Rani

... Petitioner/Detenue's Wife

-VS-

1. The State of Tamil Nadu Rep. by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

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

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

4. The Inspector of Police,
Civil Supplies CID Salem Unit,
Salem District. Cr.No.196/2025.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the impugned order of detention passed by the 2nd respondent in C.M.P.No.4/Black Marketer/Salem City/2025 dated 14.07.2025 and quash the same as illegal and consequently directing the respondents to produce



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the detenu, namely, Thiru.Arumugam @ Laddu Arumugam aged about 54 years, S/o.Raman now detained in the Central Prison Salem before this Honble Court and set him at liberty.

For Petitioner : Mr.C.R.Gokulvisvas
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

The petitioner herein, who is the wife of the detenu, namely, Arumugam @ Laddu Arumugam, S/o.Raman, aged about 54 years, detained at Central Prison, Salem, has come forward with this petition, challenging the detention order dated 14.07.2025, passed by the second respondent in C.M.P.No.4/Black Marketer/Salem City/2025, branding him as a "Black Marketer", as contemplated under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980).

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

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 at



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Page No.189 of the booklet. Hence, it is submitted that the detainee was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page No.189 of the Booklet furnished to the detainee, is illegible. This furnishing of illegible copy of the vital document would deprive the detainee 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 detainee 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 detainee, 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



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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 detainee 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 detainee'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 detainee, 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 detainee 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.



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7. For the aforesaid reasons, the Habeas Corpus Petition is allowed and the Detention Order passed by the Second Respondent in C.M.P.No.4/Black Marketer/Salem City/2025 dated 14.07.2025 is hereby set aside. The detenue, viz., Arumugam @ Laddu Arumugam, S/o.Raman, aged about 54 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.

(N.S.K,J.,) (M.J.R,J.,)
03.11.2025

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

1. The Principal Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Salem City, Salem District.
3. The Superintendent of Prison,
Central Prison, Salem, Salem District.
4. The Inspector of Police,
Civil Supplies CID Salem Unit,
Salem District.
5. The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai-600 009.
6. The Public Prosecutor,
High Court, Madras.

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