



HCP.No.1570 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1570 of 2025

Kavitha

... Petitioner/
Wife of the detenu

Versus

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai – 600 009
2. The District Collector and District Magistrate
Nagapattinam District
3. The Superintendent of Police
Nagapattinam District
4. The Superintendent
Central Prison, Cuddalore
5. The Inspector of Police
Nagapattinam Town Police Station



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Nagapattinam District

.. Respondents

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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records relating to the detention order passed by the second respondent pertaining to the order made in C.O.C.No.22/2025 dated 16.07.2025 in detaining the detenu under 2(b) of Tamil Nadu Act 14 of 1982, as a Bootlegger and quash the same and direct the respondent to produce the detenu Ganesh, Son of Ramesh, aged about 24 years, who is detained at Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the wife of the detenu Ganesh, Son of Ramesh, aged about 24 years, has come forward with this petition challenging the detention order passed by the second respondent dated 16.07.2025 bearing reference C.O.C.No.22 of 2025 slapped on her husband, branding him as "Bootlegger" under the Tamil Nadu Prevention of Dangerous Activities of



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Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand 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 several grounds are raised in the petition, the learned counsel for the petitioner submitted that the order of detention passed by the Detaining Authority is vitiated for material irregularities, as the copy of the Government Order pertaining to delegation of powers to District Magistrate and District Collector, has not been translated. It is therefore stated that the detenu is deprived of his valuable right to make an effective representation.

4. On a perusal of Volume-II of Booklet, particularly from page Nos.78 and 79, this Court finds that the copy of the Government Order pertaining to Delegation of Powers in English has been enclosed, but the same translated in Tamil is missing. Therefore, this Court is of the view that non-furnishing of translated copy of the vital document relied upon by the Detaining Authority to arrive at a subjective satisfaction, would deprive the



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detenu of his valuable right to make an effective representation. It is in the said circumstances, this Court finds 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,



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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. In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 16.07.2025 in C.O.C.No.22 of 2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Ganesh, Son of Ramesh, male, aged about 24 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
17.11.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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To
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Secretariat
Chennai – 600 009
2. The District Collector and District Magistrate
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3. The Superintendent of Police
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4. The Superintendent
Central Prison, Cuddalore
5. The Inspector of Police
Nagapattinam Town Police Station
Nagapattinam District
6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor
High Court, Madras.



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N.SATHISH KUMAR, J.,
AND

M.JOTHIRAMAN, J.,

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