



H.C.P.No.1627 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE **J. NISHA BANU**

AND

THE HONOURABLE MR. JUSTICE **S. SOUNTHAR**

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J.Tamizharasi

W/o Jayaraj

... Petitioner

Vs.

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,
Nagapattinam.

3.The Superintendent of Police,
Nagapattinam.

4.The Superintendent of Police,
Central Prison, Cuddalore.

5.The Inspector of Police,
Kariyapattinam Police station,
(i/c) Vettaikkaranirruppu,
Nagapattinam District.

... Respondents

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



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for the records in detention order C.O.C.No.9/2025 dated 25.04.2025 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body of person of the petitioner's son namely Anbuselvan, S/o Annadurai, male 23 years Now detained at central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner : Ms.P.Vimala

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

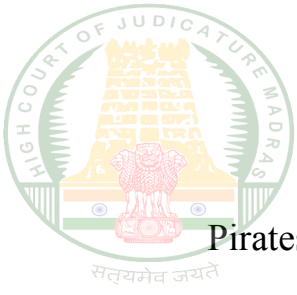
ORDER

J.Nisha Banu,J.

and

S.Sounthar,J

The petitioner is the father of the detenu, viz., Anbuselvan, Son of Annadurai, aged about 23 years, who is confined at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent in C.O.C.No.9/2025 dated 25.04.2025, 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



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Pirates Act, 1982 [Tamil Nadu Act 14 of 1982] read with the order issued by the Government in G.O.(D).No.120 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under section 3(2) of the aforesaid Act.

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 delegation of power passed in G.O.(D)No.120 dated 11.04.2025 was not translated in tamil version. Hence, it is submitted that the detenue was deprived of making effective representation.

4. Learned Additional Public Prosecutor would fairly state that the tamil version of G.O.(D).No.120 dated 11.04.2025 has not been furnished to the detenue.



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WEB COPY 5. On a perusal of the Booklet, it is seen that the last two pages of Vol-II of the booklet, i.e., G.O.(D).No.120 dated 11.04.2025, furnished to the detenu, was not translated in tamil version. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

6. 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



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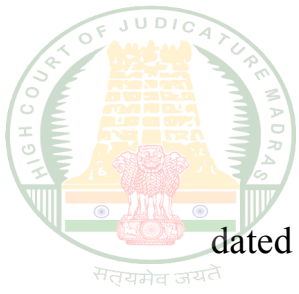
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the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would 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."*

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. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C.O.C.No.9/2025



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dated 25.04.2025 is hereby set aside. The detenu, viz., Anbuselvan, Son of Annadurai, aged about 23 years, who is now confined in the Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.NISHA BANU J.) (S.SOUNTHAR J.)
22.09.2025

vsi

To

- 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,
Nagapattinam.
- 3.The Superintendent of Police,
Nagapattinam.
- 4.The Superintendent of Police,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Kariyapattinam Police station,
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Nagapattinam District.
6. The Public Prosecutor,
High Court, Chennai



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