



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

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

H.C.P No. 1555 of 2025

1. Devi

W/o. Murugesan, No.19/16/3,
Mallikarjuna Nagar, Malagajgiri, K.V.
Renga Reddy, Telangana-500047.

Petitioner(s)

Vs

1. The Additional Chief Secretary to
Government
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600009.

2.The Commissioner of Police
Greater Chennai, Vepery, Chennai.600007.

3.The Superintendent
Central Prison, Puzhal, Chennai District.
600066.

4.The State rep by The Inspector of Police



Enforcement Bureau and Prohibition
Enforcement Wing, Adyar Unit.
Crime No. 96 of 2025.

Respondent(s)

PRAYER

The Habeas Corpus Petition is filed for the issuance of a Writ of Habeas Corpus or any other appropriate Writ, order or direction in the nature of Writ calling for the records relating to the detention order passed by the 2nd respondent pertaining to the order made in No.317/BCDFGISSSV/2025 dated on 04.06.2025 in detain the detenu under 2(f) of Tamil Nadu Act of 1982 as a Drug Offender and quash the same and direct the respondent to produce the detenu Murugesan, Son of Muniyandi, Hindu, aged about 55 years, who is detained at Central Prison, Puzhal at Chennai before this Court and set him at liberty.

For Petitioner(s): Mr. R.Sankarasubbu

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

ORDER

J.NISHA BANU J.

and

S.SOUNTHAR J.

The petitioner herein, who is the wife of the detenu viz., Murugesan S/o Muniyandi, aged about 55 years, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 04.06.2025 slapped on her husband, branding him as "Drug 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].

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2. Heard the learned counsel for the petitioner, as well as 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 Arrest Intimation was not properly translated. Hence, it is submitted that the detenu was deprived of making effective representation.

4. The learned Additional Public Prosecutor would also fairly state that the Arrest Intimation was not properly translated into Tamil version.

5. On a perusal of the Booklet, it is seen that Page Nos.51 and 52 of the booklet furnished to the detenu, i.e., Arrest Intimation, was not properly translated into 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 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*



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detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

7. 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.

8. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 04.06.2025 in No.317/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., **Murugesan S/o Muniyandi**, aged about 55 years, confined at **Central Prison, Puzhal, Chennai**, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

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

08-10-2025

ASI

To

1.The Additional Chief Secretary to
Government
Home, Prohibition and Excise
Department, Fort St.George,
Chennai - 600009.



2. The Commissioner of Police
Greater Chennai, Vepery,
Chennai.600007.

3. The Superintendent
Central Prison, Puzhal, Chennai
District. 600066.

4. The Inspector of Police
Enforcement Bureau and Prohibition
Enforcement Wing, Adyar Unit.
Crime No. 96 of 2025.

5. The Public Prosecutor,
High Court of Madras, Chennai.



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

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