



*HCP.No.1591 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1591of 2025

T.Mumtaz

... Petitioner

Versus

1. The Additional Chief Secretary to the Government  
Home, Prohibition and Excise Department  
Secretariat, Fort St.George  
Chennai – 600 009

2. The Commissioner of Police  
Office of the Commissioner of Police  
Chennai

3. The Superintendent of Police  
Central Prison  
Puzhal, Chennai

4. The Inspector of Police  
W15, Royapuram Police Station  
Chennai

.. 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 to call to the records pertaining to the order of detention passed by the second respondent in his proceedings No.447/BCDFGISSSV/2025, dated 04.07.2025 and quash the same as illegal and produce the detenu, namely Satham Hussan, S/o.Thamim, aged 26 years, Sexual Offender, now he is confined in Central Prison, Puzhal II, Chennai before this Court and set him at liberty.

For Petitioner : Ms.M.Kalyani

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 mother of the detenu Satham Hussan, male, S/o.Thamim, aged 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 04.07.2025 bearing reference No.447/BCDFGISSSV/2025 slapped on her son, branding him as "Sexual Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand 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 and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner mainly focused his argument on the ground that the language known to the detenu is Tamil but the arrest intimation translated in Tamil was not served on the detenu and the same has prevented him from making an effective representation against the detention order. Hence the impugned order is liable to be set aside.

4. Per contra, learned Additional Public Prosecutor submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

5. A perusal of the booklet would disclose that the translated version of the arrest intimation was not furnished to the detenu in a language known to him, thereby the detenu has been put to prejudice and is deprived of making an effective representation for revocation of the detention order. The non furnishing of translated version of document relied on by the



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detaining authority particularly when the detenu is not conversant with the language violates his constitutional rights and can vitiate the detention order. Hence, on this ground, the impugned order of detention is vitiated and is liable to be quashed.

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 is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 of the said judgment 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 detenue need not show that



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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.”

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.



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8. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2<sup>nd</sup> respondent dated 04.07.2025 in Memo No.447/BCDFGISSSV/2025 is hereby set aside and the detenu viz., Satham Hussan, male, S/o.Thamim, aged 26 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.]**  
**29.10.2025**

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



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To  
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Home, Prohibition and Excise Department  
Secretariat, Fort St.George  
Chennai – 600 009
2. The Commissioner of Police  
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Chennai
3. The Superintendent of Police  
Central Prison  
Puzhal, Chennai
4. The Inspector of Police  
W15, Royapuram Police Station  
Chennai
5. The Joint Secretary to Government  
Public (Law & Order)  
Fort Saint George, Chennai – 9
6. The Public Prosecutor  
High Court, Madras.



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N.SATHISH KUMAR, J.,

AND

M.JOTHIRAMAN, J.,

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