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HCP.No.1702 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.1702 of 2025

Paraman

... Petitioner

Father of the detenue

Versus

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai – 600 009
2. The District Magistrate and District Collector
Office of the District Collector and District Magistrate
Namakkal
Namakkal District
3. The Superintendent of Prison
Salem Central Prison
Salem
4. The Superintendent of Police
Office of the Superintendent of Police
Namakkal District

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5. The Inspector of Police
Namakkal Police Station
Namakkal District

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the entire records, connected with the detention order of the Respondent No.2 in C.M.P.No.45/GOONDA/2025(M1) dated 10.05.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Chandru, S/o.Paraman, male, aged 24 years, now confining at Salem Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.B.Aravinthan

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 father of the detenu Chandru, S/o.Paraman, male, aged 24 years, has come forward with this petition challenging the detention order passed by the second respondent dated 10.05.2025 bearing reference C.M.P.No.45/GOONDA/2025 (M1) slapped on his son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral



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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 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 Form was not properly translated. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page No.35 of the booklet furnished to the detenu i.e., Arrest Intimation Form, was not properly translated. Therefore, the detenue is deprived from making effective representation and 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



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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 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 detenue'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 detenue, should the document be in a different language.



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..... *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 detenuee 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 the result, the detention order passed by the 2nd respondent dated 10.05.2025 in C.M.P.No.45/GOONDA/2025 (M1) is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Chandru, S/o.Paraman, male, aged 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.]
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Index: Yes/No
Neutral Citation: Yes/No
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