



HCP.No.2786 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**  
**AND**  
**THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**H.C.P.No.2786 of 2024**

RAGUPATHI

... Petitioner/ father of the detenue

***Vs.***

1. State Of Tamil Nadu  
Represented By Its Secretary,  
Prohibition And Excise Department,  
Fort St. George,  
Chennai 600 009

2.The District Magistrate And  
Collector  
Tiruvallur, Tiruvallur District.

3.The Superintendent Of Police  
Tiruvallur,  
Tiruvallur District.

4.The Superintendent  
Central Prison II,  
Puzhal Chennai 66

5.The Inspector Of Police  
Arani Police Station, Tiruvallur District.

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order vide memo no BCDFGISSSV NO. 41/2024 dated 04.10.2024 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son namely Saran @ Vicky, son of Ragupathy aged about 25 years (who is now confined in central prison II, puzhal, chennai ), before the court and set him at liberty.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.R.Muniyapparaj  
Additional Public prosecutor  
assisted by Mr.M.Sylvester John

### **ORDER**

**M.S.RAMESH, J.**  
**AND**  
**N.SENTHILKUMAR, J.**

The petitioner herein, who is the father of the detenu namely Saran @ Vicky, son of Ragupathy aged about 25 years, confined at central prison II, puzhal, chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 04.10.2024 slapped on his son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug



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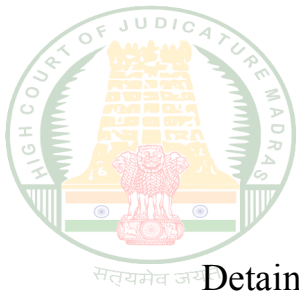
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Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the English entries in the arrest intimation form has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On perusal of the documents available on record, particularly in Page No.11 in Volume-I of the booklet, this Court finds that a copy of the arrest intimation form is available, and the same has not been translated in vernacular version. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the



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Detaining Authority is vitiated.

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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*



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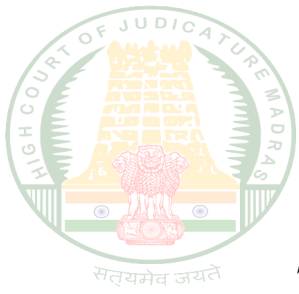


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*denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among 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.”*

**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.



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7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 04.10.2024 in Memo No.BCDFGISSSV NO. 41/2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Saran @ Vicky, son of Ragupathy aged about 25 years, confined at central prison II, puzhal, chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[M.S.R., J]

[N.S., J]

14.03.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

**Anu**

To

1.The Secretary, Prohibition And  
Excise Department, Fort St. George,  
Chennai 600 009

2.The District Magistrate And  
Collector  
Tiruvallur, Tiruvallur District.

3.The Superintendent Of Police  
Tiruvallur,  
Tiruvallur District.



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4.The Superintendent  
Central Prison II,  
Puzhal Chennai 66

5.The Inspector Of Police  
Arani Police Station, Tiruvallur District.

6.The Joint Secretary,  
Law and Order Department,  
Secretariat, Chennai.

7.The Public Prosecutor,  
High Court, Madras.



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**M.S.RAMESH, J.**  
**and**  
**N.SENTHILKUMAR, J.**

*Anu*

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