



HCP.No.1810 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1810 of 2025

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... Petitioner

Versus

1. The Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat
Chennai – 600 009
2. The District Collector and District Magistrate
Kancheepuram District
Kancheepuram
3. The Superintendent of Police
Kanchipuram
Kanchipuram District
4. The Superintendent
Central Prison
Puzhal, Chennai



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5. State Rep. By
The Inspector of Police
Siva Kanchi Police Station
Kanchipuram

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the 2nd respondent dated 17.06.2025 in R.C. No. 533/2025 M6. D.O. 19/2025 against the petitioner brother Arunachalam alias Kulla, M/21 Years, Son of Arul who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondent to produce the detenu before this court and set him at liberty

For Petitioner : Mr.A.Saranraj

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 brother of the detenu Arunachalam alias Kulla, male, aged 21 Years, S/o. Arul, has come forward with this petition challenging the detention order passed by the second respondent dated 17.06.2025 bearing reference R.C. No. 533/2025/M6-D.O. 19/2025 slapped on his brother, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest



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Offenders, Goondas, Immoral 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 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 Forensic report which was relied on by the authorities was furnished to the detenu other than the language known to the detenu, which 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 page No.83 of the booklet would disclose that the translated copy of the Forensic Report was not furnished to the detenu, thereby the detenu has been put to prejudice and is deprived of making an



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effective representation for revocation of the detention order. The non-furnishing of translated version of document relied on by the 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 the result, the detention order passed by the 2nd respondent dated 17.06.2025 in R.C. No. 533/2025/M6-D.O.19/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Arunachalam @ Kulla, male, aged 21 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.]
24.10.2025

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



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To
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Puzhal, Chennai
5. The Inspector of Police
Siva Kanchi Police Station
Kanchipuram
6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor
High Court, Madras.



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