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H.C.P.No.1921 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

C O R A M

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**H.C.P.No.1921 of 2025**

Manimekalai

...Petitioner/Detenue's Wife

-VS-

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

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records pertaining to the order of detention passed in his proceedings in C.M.P.No.56/Drug Offender/2025/M1 dated 29.05.2025 passed by the 2<sup>nd</sup> respondent and set aside the same and directing the respondents to produce the petitioner's husband by name Bala @



*H.C.P.No.1921 of 2025*

Dhanapal, S/o.Veerasamy aged about 34 years before this Court now confined in Central Prison, Salem and set him at liberty.

For Petitioner : Mr.C.Deepakkumar  
For Respondents : Mr.A.Gokulakrishnan  
Addl. Public Prosecutor

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**ORDER**

The petitioner herein, who is the wife of the detenue, namely, Bala @ Dhanapal, S/o.Veerasamy aged about 34 years, detained at Central Prison, Salem, has come forward with this petition, challenging the detention order dated 29.05.2025, passed by the second respondent in C.M.P.No.56/Drug Offender/2025/M1, branding him as a "Drug Offender", as contemplated under Section 2(e) of 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).

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though learned counsel for the petitioner has raised several



*H.C.P.No.1921 of 2025*

other grounds to assail the order of detention, he has mainly focused his argument on the ground that the translated version of the Remand Extension Order as found in Page Nos.48 & 50 is improper. 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 Page Nos.48 & 50 of the booklet (Vol.I), the Remand Extension Order has not been properly translated, as there is a contradiction in the translation in respect of production of the accused before the Court. Therefore, the detenu 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 detenu should be afforded an opportunity of making representation



*H.C.P.No.1921 of 2025*

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



*H.C.P.No.1921 of 2025*

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. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the 2<sup>nd</sup> respondent in C.M.P.No.56/Drug Offender/2025/M1 dated 29.05.2025, is hereby set aside. The detainee, viz., Bala @ Dhanapal, S/o.Veerassamy aged about 34 years, who is now confined in the Central Prison, Salem is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(N.S.K,J.) (M.J.R,J.)  
24.11.2025

Index: Yes / No  
Internet: Yes / No  
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**N.SATHISH KUMAR, J.**  
**AND**  
**M.JOTHIRAMAN, J.**  
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*H.C.P.No.1921 of 2025*

To:

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2. District Magistrate and District Collector,  
Nammakkal District.
3. The Superintendent of Police,  
Namakkal District.
4. The Superintendent of Prison,  
Central Prison, Salem District.
5. The Inspector of Police,  
Molasi Police Station, Namakkal District.
6. The Joint Secretary to Government  
Public (Law & Order),  
Fort St.George, Chennai-600 009.
7. The Public Prosecutor,  
High Court, Madras.

**H.C.P.No.1921 of 2025**

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