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HCP No. 1980 of 2025



DATED: 10-11-2025

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**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 1980 of 2025

Rajamani

Petitioner(s)

Vs

1. The State Of Tamil Nadu,
Rep By Its, The Secretary To Government, (Home),
Prohibition and Excise Department, Secretariat,
Fort St.George, Chennai-600 009.

2.The Commissioner Of Police,
Salem City, Salem.

3.The Superintendent Of Prison,
Central Prison, Salem District.

4.The Inspector Of Police,
Pallapatty Police Station, Salem City.

Respondent(s)

PRAYER



This writ petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed in his proceedings in C.M.P.No.28/Drug Offender/Salem City/2025 dated 19.06.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce petitioner's son by name Kannan@Kesavan, S/o.Manickam, aged about 49 years, before this Honble Court, now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr. C.Deepakkumar

For Respondent(s): Mr. A.Gokulakrishnan,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner herein, who is the mother of the detenu viz.,Kannan @ Kesavan, S/o. Manickam, aged about 49 years, confined at Central Prison, Salem, has come forward with this petition challenging the detention order passed by the second respondent dated 19.06.2025 slapped on her son, branding him as "DRUG OFFENDER" under 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, as well as the learned Additional Public Prosecutor appearing for the respondents.

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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 particulars of the property sent to the Magistrate was not properly translated into Tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. The learned Additional Public Prosecutor would also fairly state that the property sent to Magistrate was not properly translated into Tamil version.

5. On a perusal of the booklet, it is seen_that Page No.94-95 of the Volume-I furnished to the detenu, i.e., Property sent to Magistrtate, was not properly translated into Tamil version. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

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 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 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.”

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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.

8. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 19.06.2025 in CMP No.28/Drug Offender/Salem City/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., **Kannan @ Kesavan S/o. Manickam**, aged about 49 years, confined at **Central Prison, Salem**, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

(N.SATHISH KUMAR J.)

(M.JOTHIRAMAN J.)

10-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp



1.The Secretary To Government,(Home)

Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai-
600 009.

2.The Commissioner Of Police,
Salem City, Salem.

3.The Superintendent Of Prison,
Central Prison, Salem District.

4.The Inspector Of Police,
Pallapatty Police Station, Salem City.

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High Court of Madras, Chennai.



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