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HCP.No.3206 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P.No.3206 of 2024

VELANGANNI

Petitioner(s) /mother of the detenue

Vs

1. The Additional Chief Secretary To Government
Home, Prohibition And Excise Department
Secretariat, Chennai 600 009

2.The Commissioner Of Police
Grater Chennai,
Office Of The Commissioner Of Police
Goondas Section Vepery, Chennai 600 007

3.The Superintendent Of Prision
Central Prision -II, Puzhal,
Chennai 600 066

4.The Inspector Of Police,
F-4, Thousand Lights Police Station,
Chennai 600 006

...Respondent(s)



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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 entire records connected with the detention order of the 2nd respondent in No.1159/BDDFGISSSV/2024 dated 25.11.2024 and quash the same and direct the respondents to produce the body and person of detenu namely Vasanth @ Mathew S/o.Thambuthurai, aged 25 years detained in Central Prison Puzhal, Chennai before this Court and set him at liberty forthwith.

For Petitioner : Mr.B.M.Santharam
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

The petitioner herein, who is the mother of the detenu, Vasanth @ Mathew S/o.Thambuthurai, aged 25 years detained in Central Prison Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 25.11.2024 issued against her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual



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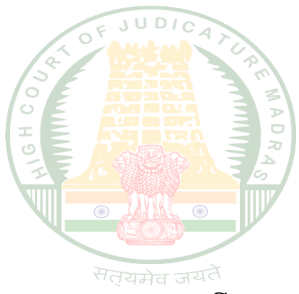
Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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

3. Though several grounds are raised in the petition, the learned counsel for the petitioner submitted that the detention order is liable to be quashed on the ground that the detenu was not furnished with translated copy of the vital document. It is therefore stated that the detenu is deprived of his valuable right to make effective representation.

4. On a perusal of the Booklet, it is seen that the copies of some vital documents are in foreign language and the translated copies in vernacular language have not been furnished to the detenu. This non-furnishing of the copy of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention.



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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 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



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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.

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 25.11.2024 in No.1159/BDDFGISSSV/2024, is



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hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz.,
Vasanth @ Mathew S/o.Thambuthurai, aged 25 years detained in Central
Prison Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is
required in connection with any other case.

[M.S.R., J] [V.L.N., J]
10.06.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu

To

1. The Additional Chief Secretary To Government
Home, Prohibition And Excise Department
Secretariat, Chennai 600 009

2.The Commissioner Of Police
Grater Chennai,
Office Of The Commissioner Of Police
Goondas Section Vepery, Chennai 600 007

3.The Superintendent Of Prison
Central Prison -II, Puzhal,
Chennai 600 066

4.The Inspector Of Police,
F-4, Thousand Lights Police Station,
Chennai 600 006

5.The Joint Secretary,



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Law and Order Department,
Secretariat, Chennai

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6.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.
and



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V. LAKSHMINARAYANAN, J.

Anu

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