



HCP.No.2327 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2327 of 2025

Santhanadevan

... Petitioner/Brother of the detenu

Versus

1. The State represented by
The Secretary to Government (Home)
Prohibition and Excise Department
Government of Tamil Nadu
Fort St. George
Chennai – 600 009
2. The District Collector / District Magistrate
Villupuram District
Villupuram
3. The Superintendent of Police
Villupuram District
Villupuram
4. The Superintendent of Prison
Central Prison

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Cuddalore

5. The Inspector of Police
AWPS Villupuram Police Station
Villupuram District
(Cr.No.77 of 2025)

.. 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 of pertaining to the order of detention dated 07.07.2025 passed by the 2nd respondent in D.O.No.C2/34/2025 and quash the same and produce the detenu Mr.Santhamoorthi, S/o.Masilamani, aged about 32 years, before this Honble Court and set him at liberty and the detenu is now confined at Central Prison, Cuddalore.

For Petitioner : Mr.D.Ashokkumar

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 Santhamoorthy, S/o.Masilamani, male, aged about 32 years, has come forward with this petition challenging the detention order passed by the second respondent dated 07.07.2025 bearing reference Rc.No.C2/34/2025 slapped on his brother, branding him as "Sexual 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 points have been raised in the petitioner, the
learned counsel for the petitioner in the hearing submitted that the detention
order is liable to be quashed on the ground that the Arrest Intimation Form
was not properly translated to Tamil, which prevented the detenu from
making an effective representation.

4. On a perusal of the Booklet, it is seen that Page No.19 of the
booklet furnished to the detenu contains the Arrest Intimation Form, but the
same was not properly translated to Tamil. As the detenu is conversant only
with Tamil, the Detention Order passed by the Detaining Authority is
vitiating.

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

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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 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 detainee 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 detainee'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 detainee, 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*



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circumstances, renders her continued detention illegal. We, therefore, direct that the detenuee 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. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 07.07.2025 bearing reference Rc.No.C2/34/2025 is hereby set aside. The detenu viz., Santhamoorthy, S/o.Masilamani,male, aged about 32 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.]
24.11.2025

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



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 5. The Inspector of Police
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 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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