



HCP(MD)No.300 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.300 of 2025

Mastabai

... Petitioner

vs.

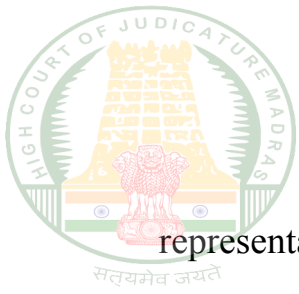
1. The State of Tamil Naadu
The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The District Collector and District Magistrate,
O/o the District Collector and District Magistrate,
Trichy.

3.The Superintendent of Police,
Central Prison,
Tiruchirappalli.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records connected with the detention order passed by the 2nd respondent vide his proceedings in Cr.M.P.No. 24 of 2024, dated 26.12.2024 and quash the same and direct the respondents to produce the body or person of Bharat @ Bharat Mohaniya, S/o. Bhawansingh, aged 36 years who has been termed as “Goonda” and now confined in Central Prison, Trichy, before this Court and set him at liberty based on the petitioner's



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representation dated 28.02.2025.

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For Petitioner : Mr. C. Karthikeyan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

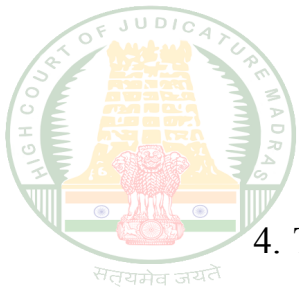
ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the wife of the detenu viz., Bharat @ Bharat Mohaniya, S/o. Bhawansingh, aged 36 years. The detenu has been detained by the second respondent by his order in No.Cr.M.P.No.24 of 2024, dated 26.12.2024 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Even though the matter has been listed under the caption "for not filing counter" for the third time, the respondent has not filed a counter affidavit till date.



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4. Though several points have been raised by the learned counsel for the petitioner, it is specifically submitted that the petitioner hails from Madhya Pradesh and does not know Tamil language. Except for the detention order and grounds of detention, which were translated into Hindi a language known to him, the other documents relied upon by the respondents were not furnished in Hindi. It is further submitted that the petitioner's wife had sent a representation dated 28.02.2025, stating that the petitioner is not conversant with Tamil and that he has not been provided with translated copies of the relied-upon documents in Hindi till date. In such circumstances, it is contended that the detaining authority has vitiated the detention order due to non-application of mind.

5. The learned Additional Public Prosecutor, on instructions, submitted that the Detaining Authority, after being satisfied with the materials placed by the Sponsoring Authority, passed the impugned detention order with proper application of mind, and that there is no illegality or infirmity in the said order. Hence, he prayed for dismissal of the habeas corpus petition.

6. On perusal of the records, it is evident that the detenu hails from Madhya Pradesh and it is stated that he knows only Hindi. Despite a request to



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furnish translated copies of the documents in a language known to him, he has

not been served with such documents in Hindi. Therefore, the detention order

stands vitiated on the ground of non-application of mind.

7. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

8. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.24 of 2024, dated 26.12.2024, passed by the second respondent is set aside. The detenu, viz., Bharat @ Bharat Mohaniya, S/o. Bhawansingh, aged 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [R.P., J.]
26.08.2025

Index : Yes / No
Neutral Citation : Yes / No
trp



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To:

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O/o the District Collector and District Magistrate,
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3. The Superintendent of Police,
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Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madars High Court, Madurai.



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**A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.**

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**ORDER MADE IN
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DATED : 26.08.2025