



H.C.P.(MD) No.450 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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M.Amirthakani

... Petitioner/
Mother of the Detenue

-VS-

- 1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to call for the records connected with the detention order



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passed in P.D.No.35 of 2024 dated 17.08.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., Chandru, aged about 24 years, S/o.Murugan, now detained at the Central Prison, Palayamkotai, before this Court and set him at liberty.

For Petitioner : Mr.N.Pragalathan
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 mother of the detenu Chandru, aged about 24 years, S/o.Murugan. The detenu has been detained by the second respondent by his order in P.D.No.35 of 2024 dated 17.08.2024 holding him to be a "Goonda", as contemplated under 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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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. Apart from the other grounds, the main ground that was urged by the learned counsel for the petitioner is that while making representation, a specific request was made to furnish Tamil version of documents at Page Nos.79,81 and 83, which are Partially in English. It is also seen that inspite of the request made by the detenu for furnishing translated and eligible documents, the same has not been furnished. Therefore, on that score, the order of detention is liable to be interfered with by this Court. Further, the learned counsel submitted that there is infraction of fundamental rights of the detenu. In view of the same, the detention order suffers from illegality.

4. The learned counsel for the petitioner submitted that the detaining authority, without the availability of materials, cannot *ipso facto* satisfy himself regarding the imminent possibility of the detenu coming out on bail, merely on the ground that the accused, who are similarly placed have been granted bail.



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5. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in *Rekha v. State of Tamil Nadu ((2011) 5 SCC 244)* to substantiate his submission.

6. Heard the learned Additional Public Prosecutor appearing on behalf of the respondents.

7. We have carefully considered the submission made by the learned counsel for the petitioner. It is seen from the representation that a specific request has been made for Tamil translation of the documents that was relied upon by the detaining authority to come to a conclusion that there is a likelihood of the detenu being granted bail. However, the Tamil translation of the document was not furnished to the detenu and hence, the detenu was not able to make an effective representation and thereby, fundamental rights guaranteed under Articles 21 and 22 of the Constitution of India has been violated.

8. The issue that has been raised by the learned counsel for the petitioner is no longer *res integra* and it is covered by the judgment that has been cited by the



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WEB COPY learned counsel for the petitioner, which has been referred supra.

9.In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.35 of 2024 dated 17.08.2024, passed by the second respondent is set aside. The detenu, viz., Chandru, aged about 24 years, S/o.Murugan, 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.]

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NCC : Yes / No
Index : Yes / No
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AND
R.POORNIMA, J.

NS

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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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