



**H.C.P(MD)No.679 of 2025**

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.11.2025**

**CORAM:**

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN  
and  
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

**H.C.P.(MD) No.679 of 2025**

Saravanan

... Petitioner

Vs

1.State of Tamilnadu,  
Rep by its Additional Chief Secretary to Government,  
Home (Prohibition and Excise Department)  
Secretariat, Chennai.

2. The District Collector Cum District Magistrate,  
Office of the District Collector Cum District Magistrate,  
Sivagangai District, Sivagangai.

3. The Superintendent,  
Madurai Central Prison,  
Madurai 625016.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records connected with the detention order of the respondent No.2 in Cr.M.P.No. 40/Goonda/2025 dated 08.04.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Saravanan son of Gnanasekar aged about 40 years, now detained as



**H.C.P(MD)No.679 of 2025**

Goonda at Madurai Central Prison before this court and set him at liberty.

For Petitioner : M/s.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

**ORDER**

**(Order of the Court was made by C.V.KARTHIKEYAN,J.)**

The petitioner is the detenu viz., Saravanan S/o.Gnanasekar, aged about 40 years. The detenu has been detained by the second respondent by Detention Order Cr.M.P.No.40/Goonda/2025 dated 08.04.2025 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. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be



**H.C.P(MD)No.679 of 2025**

quashed on the ground that the documents relied on by the 2<sup>nd</sup> respondent at Page No.32, the remand extension order in free hand is in English and though Tamil translation was specifically asked in the representation, it has not been furnished. It is further stated that the detenu had studied only 4<sup>th</sup> standard and has not conversant with English. The detaining authority had relied on this extension as one of the ground to pass the detention order. Hence, it is submitted that the non providing of the translated copy would deprive the detenu from making effective representation.

5. On a perusal of the Booklet, it is found that remand extension order is in free hand at Page No.32 in English and though the Tamil version had been asked for in the representation, it has not been furnished to the detenu. This non furnishing of translated copies of the vital documents would deprive the detenu of making effective representation to the authorities against the order of detention.

6. In this context, it is useful to refer to the Judgment of the Honourable Supreme Court in the case of *Powanammal vs. State of Tamil Nadu*, reported in (1999) 2 SCC 413, wherein the Apex Court,



**H.C.P(MD)No.679 of 2025**

after discussing the safeguards embodied in Article 22(5) of the Constitution of India, observed that the detenue should be afforded an opportunity of making a representation effectively against the detention order and that, the failure to supply every material in the language which can be understood by the detenue, is imperative. The relevant portion of the said decision is extracted hereunder:

*"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 detenue 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 detenue'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 detenue, should the document be in a different language.*



WEB COPY



H.C.P(MD)No.679 of 2025

...

*16. For the above reasons, in our view, the nonsupply 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 detenuee be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed."*

7. We find that the above cited **Powanammal's case** applies in all force to the case on hand as we find that the translated copies of the Page No.32 has not been furnished to the detenu. This non furnishing of translation in the vernacular language, to the detenu, has impaired his constitutional right to make an effective representation against the impugned preventive detention order. To be noted, this constitutional right is ingrained in the form of a safeguard in Clause (5) of Article 22 of the Constitution of India. We, therefore, have no hesitation in quashing the impugned detention order.

8. In the result, the Habeas Corpus Petition is allowed. The detention order passed in Cr.M.P.No.40/Goonda/2025 dated 08.04.2025 by the 2<sup>nd</sup> respondent, is set aside. Consequently, the detenu viz., Saravanan, S/o.Gnanasekar, aged about 40 years, is directed to be



**H.C.P(MD)No.679 of 2025**

released forthwith, unless his presence or custody or detention is required  
in connection with any other case.

**(C.V.K., J.) (R.V., J.)**  
**13.11.2025**

Index : Yes / No  
NCC : Yes / No  
RR

To

1. The Additional Chief Secretary to Government,  
Home (Prohibition and Excise Department)  
Secretariat, Chennai.

2. The District Collector Cum District Magistrate,  
Office of the District Collector Cum District Magistrate,  
Sivagangai District, Sivagangai.

3. The Superintendent,  
Madurai Central Prison,  
Madurai 625016.

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



WEB COPY



**H.C.P(MD)No.679 of 2025**

**C.V.KARTHIKEYAN, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

RR

**ORDER MADE IN**  
**H.C.P.(MD) No.679 of 2025**

**13.11.2025**