

H.C.P(MD)No.1063 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2025

CORAM:

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

H.C.P.(MD) No.1063 of 2025

N.Murugan

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Secretary to Government,
Home (Prohibition and Excise Department)
St George Fort,
Chennai.
2. The District Collector Cum District Magistrate,
Theni District, Theni.
3. The Superintendent,
Special Prison For Women,
(Central Prison), Madurai 16.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records relating to the impugned grounds of detention order passed by the 2nd nd respondent vide detention order No.91/2024 dated 23.12.2024 against the petitioner's aunt/detenuel/Tmt.Muthupillai @ Muthupetchi (aged about 62 years), W/o.Duraipandi, and set aside the same and consequently direct



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the respondents to produce the petitioner's aunt/detenué/Tmt.Muthupillai @ Muthupetchi (aged about 62 years), W/o.Duraipandi, before this Court now she is detained at Special Prison for Women, Central Prison, Madurai District and set her at liberty.

For Petitioner : M/s.T.Sathya Selvi

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

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

The petitioner is the Cousin of the detenué viz., Muthupillai @ Muthupetchi, W/o.Duraipandi, aged about 61 years. The detenué has been detained by the second respondent by Detention Order in detention order No.91/2024 dated 23.12.2024 holding her to be a 'Drug Offender', as contemplated under Section 2(e) 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.



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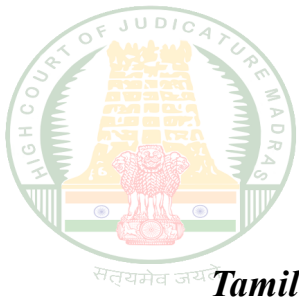
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3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the documents relied on by the 2nd respondent at Page Nos.74 to 82, Volume I of the Booklet are in English version and the translated copies have not been furnished to the detainee. Hence, it is submitted that the detainee was deprived of making effective representation.

4. The learned Additional Public Prosecutor fairly submitted that the translated copies of Page Nos.74 to 82, Volume I of the Booklet were not furnished to the detainee.

5. On a perusal of the Booklet, it is found that the translated version of the documents at Page Nos.74 to 82, Volume I of the Booklet have not been furnished to the detainee. This non furnishing of translated copies of the vital documents would deprive the detainee 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*



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Tamil Nadu, reported in (1999) 2 SCC 413, wherein the Apex Court, after discussing the safeguards embodied in Article 22(5) of the Constitution of India, observed that the detainee 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 detainee, 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 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



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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 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 detainee 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 Nos. 74 to 82 have not been furnished to the detainee. This furnishing of improper translation in the vernacular language, to the detainee, 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 detention order No.91/2024 dated 23.12.2024



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by the 2nd respondent, is set aside. Consequently, the detenue viz., Muthupillai @ Muthupetchi, W/o.Duraipandi, aged about 61 years, is directed to be released forthwith, unless her presence or custody or detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
17.09.2025

Index : Yes / No
NCC : Yes / No
Internet : Yes
vsm



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To

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Home (Prohibition and Excise Department)
St. George Fort,
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2. The District Collector Cum District Magistrate,
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3. The Superintendent,
Special Prison For Women,
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4. The Additional Public Prosecutor,
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C.V.KARTHIKEYAN, J.

and

R.VIJAYAKUMAR, J.

vsm

ORDER MADE IN
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