



WEB COPY

HCP No. 457 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

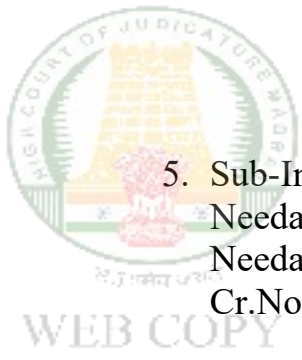
HCP No. 457 of 2026

Pooja M
Sister of Sakkarai @ Loganathan,
No.3/9, Othakatai Street,
Kudanthai Main Road,
Kottaiyur,
Thiruvarur,
Tamilnadu-614 404.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector and District Magistrate,
Tiruvarur district,
Tiruvarur.
3. The Superintendent of Police,
Tiruvarur District,
Tiruvarur.
4. The Superintendent of Prison
Central Prison,
Tiruchirappalli,
Tamilnadu.



5. Sub-Inspector of Police,
Needamangalam Police Station,
Needamangalam.
Cr.No.137 of 2025.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of Constitution for issuance of a Writ of Habeas Corpus or appropriate writ, order or direction calling the respondents to produce the records of detention order vide C.O.C.No.19/2025 against the detenu passed by the 2nd respondent herein by an order dated 15.07.2025 and quash the same and produce the petitioner's brother Sakkarai @ Loganathan S/o.Asirvatham aged 24 years presently confined in Central Prison, Tiruchirappalli and set aside the same, consequently direct the respondents to produce the body of the detenu before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.S.Sudhanthiran

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted By Mr. M. Sylvester John

ORDER

(Order of the Court was made by Sunder Mohan J.)

The sister of the detenu-Sakkarai @ Loganathan, branded as 'Goonda' under Section 2(f) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 15.07.2025.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.



3. Admittedly, the arrest intimation form, placed at page 17 of volume – 1 of the booklet, supplied to the detenu, has not been translated in the language known to the detenu, which is Tamil. This has deprived the detenu of his right to make an effective representation. In this regard, we may refer to the judgment of the Hon'ble Supreme Court in the case of '**Powanammal Vs. State of Tamil Nadu**' reported in '**(1999) 2 SCC 413**'. The relevant observations are as follows:

“8. The law relating to preventive detention has been crystallized and the principles are well neigh settled. The amplitude of the safeguard embodied in [Art. 22\(5\)](#) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenue but also to supplying their translation in script or language which is understandable to the detenue. Failure to do so would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making a representation against the order. (See [Hadibandhu Das v. District Magistrate, Cuttack & Anr.](#), [1969] 1 SCR 227).

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 detenu 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 detenu'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 detenu, should the document be in a different language.”

4. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.19/2025 dated 15.07.2025 is set aside.

5. The detenu, viz., Sakkarai @ Loganathan, son of Asirvatham, aged 24 years, who is now confined in Central Prison, Tiruchirappalli, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)

16-04-2026

sl

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry : Issue Today.

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector and District Magistrate,
Tiruvarur district,
Tiruvarur.



3. The Superintendent of Police,
Tiruvarur District,
Tiruvarur.
4. The Superintendent of Prison
Central Prison,
Tiruchirappalli,
Tamilnadu.
5. Sub-Inspector of Police,
Needamangalam Police Station,
Needamangalam.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
7. The Public Prosecutor,
High Court, Madras.



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