



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 310 of 2026

Thilagavathi Muthukrishnan
Aunt of Dhivakar,
No.3/11, Kudanthai Main Road,
Kottaiyur, Nidamangalam,
Thiruvarur Valangaiman,
Tamil Nadu - 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,
Central Prison,
Tiruchirappalli,
Tamil Nadu.
5. The 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 of India 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.20/2025 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 Nephew Dhivakar, aged 25 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 Court and set him at liberty.

For Petitioner(s): Mr.S.Sudhanthiran

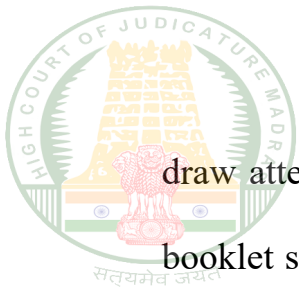
For Respondent(s): Mr. R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M.Sylvester John

ORDER

(Made by Dr.Anita Sumanth J.)

Having heard Mr.Sudhanthiran, learned counsel for petitioner representing detenu Dhivakar, S/o. Velayutham, branded as a Goonda under Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) and detained in Central Prison, Tiruchirappalli, and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents, we are of the view that this petition is liable to be allowed.

2. The detenu had been detained under order dated 15.07.2025 and learned counsel for petitioner representing the aunt of the detenu, would firstly



draw attention to the arrest intimation form at page 15 of the Volume I of the booklet stating that the same has not been translated and supplied to the detenu in a language known to him. The detenu is conversant only in Tamil and this fact is acceded to by learned Additional Public Prosecutor. In light of the aforesaid admitted position and since the form is not in a language known to the detenu thus preventing him from putting up an effective defence, we accept this ground.

3. Additionally, we find that the co-accused in Crime No. 137 of 2025, one Sakkarai @ Loganathan, also branded as a Goonda, had approached this Court in HCP No. 457 of 2026, on grounds similar to the present case. Taking a cue from the judgment of the Supreme Court in *Powanammal v State of Tamil Nadu* [(1999) 2 SCC 413], we had allowed HCP No.457 of 2026, making reference to the following observations as extracted below:-

*“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



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HCP No. 310 of 2



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.”

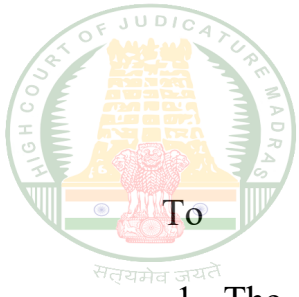
4. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.20/2025, dated 15.07.2025, is set aside.

5. The detenu, viz., Dhivakar S/o. Velayutham, aged 25 years, who is now confined in Central Prison, Tiruchirappalli, is 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.)
21-04-2026

Index : Yes / No
Neutral Citation: Yes
ssm

Note to Registry: Issue Today.



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Tamil Nadu.
5. The Sub-Inspector of Police,
Needamangalam Police Station,
Needamangalam.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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HCP No. 310 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

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