



WEB COPY

HCP No. 459 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 459 of 2026

Rubi
W/o.Vinoth,
267E, Ammankulam,
Erimeedu Ramanathapuram,
Coimbatore South,
Pin-641045.

..Petitioner(s)

Vs

1. The State of Tamilnadu rep.by its
Secretary to Government,
Home, Prohibition and Excise Department
Secretariat,
Chennai-600 009.
2. The Commissioner of Police,
Detaining Authority,
Coimbatore City.
3. The Superintendent of Prison,
Central Prison,
Coimbatore-18.
4. The Inspector of Police,
E-1 Singanallur Police Station,
Investigation wing,
Coimbatore City.

..Respondent(s)



Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to call for the entire records from the 2nd respondent in connection with order C.No.113/G/IS/2025 dated 11.07.2025 and quash the same and produce the petitioner's friend namely A.Mohammed Sadiq S/o.Ahammed Moideen, aged 31 years, now confined in Central Prison, Coimbatore under the Tamil Nadu Act 14 of 1982 before this Hon'ble court and set him at liberty.

For Petitioner(s): Mr.P.Pugalenth

For Respondent(s): Mr.R.Muniapparaj

Additional Public Prosecutor

Assisted By

Mr.M.Sylvester John

ORDER

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

The friend of the detenu - A.Mohammed Sadiq, who has been branded as Goonda under Section 2(f) passed under the provision of Tamil Nadu Preventive Detention Act, 1982, has challenged his detention order dated 11.07.2025.

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



3. Though several grounds have been raised by the petitioner, we are of the view that it would suffice to advert to the ground relating to non-furnishing of translation of important documents to test the impugned order of detention. It is seen from the booklet at Page 36 that the copy of the final report relied upon by the detaining authority has been furnished. However, admittedly, the translated copy of the said document was not furnished to the detenu in the language known to him. It is not in dispute that the detenu is only acquainted with Tamil language.

4. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court, after discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the Detention Order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} as follows:

“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.

..... **16.***For the above reasons, in our view, the non-supply 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 detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”*

5. Therefore, we are of the view that non-furnishing the said document which has been relied upon by the detaining authority has caused prejudice to the detenu and deprived him of his valuable right to make effective representation which renders his continued detention illegal. Hence, we are inclined to quash the detention order.



6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.No.113/G/IS/2025, dated 11.07.2025 is hereby set aside.

7. The detenu, viz., A.Mohammed Sadiq, S/o. Ahammed Moideen, male, aged 31 years, who is now confined in Central Prison, Coimbatore, 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.)

09-04-2026

sl

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.

To

1. The Secretary to Government,
Home, Prohibition and Excise Department Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Detaining Authority, Coimbatore City.
3. The Superintendent of Prison,
Central Prison, Coimbatore-18.
4. The Inspector of Police,
E-1 Singanallur Police Station, Investigation wing, Coimbatore City.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order), Secretariat, Fort.St.George, Chennai -9.



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