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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1840 of 2025

Abithabanu
W/O Peer Sheik Oli,
No.8, Portuguese Church Street,
Broadway,
Chennai-600 001.

..Petitioner(s)

Vs

State of Tamil Nadu rep by

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
St.George Port,
Chennai - 600009.
2. The Commissioner of Police
Greater Chennai,
Vepery,
Chennai-600003.
3. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.
4. The Inspector Of Police
B-2, Esplanade Police Station,



..Respondent(s)

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Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of HABEAS CORPUS or any other appropriate writ, order or direction in the nature of a writ, calling for the records in detention order passed in No.567/BBCDEFGGISSSV/2025 dated 18.08.2025 on the file of the 2nd respondent herein and set aside the same and direct the respondents to produce the detenu Thiru.Peer Haneef son of Peer Sheik Oli, now confined in Central Prison, Puzhal, Chennai before this Honourable Court and set him at liberty.

For Petitioner(s): Mr.M.Anandaraj

For Respondent(s): Mr.S.Raja Kumar

Additional Public Prosecutor

Assisted By Mr. M. Sylvester John

Order

(Order of the Court was made by Dr.Anita Sumanth J.)

The wife of the detenu viz., Peer Haneef, S/o.Peersheikoli, male, aged 31 years, who has been branded as Goonda under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act), has filed this habeas corpus petition.

2. We have heard the learned counsel for the petitioner, who points out to various fallacies in the impugned order. However, what appeals to us is the fact that the booklet containing the grounds of detention and annexures that has been supplied to the detenu contains an accident register, which has not been



translated in the language known to the detenu. Learned Additional Public Prosecutor has no defence to this position.

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3. The Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* ((1999) 2 SCC 413) has settled the position that in order to afford a proper opportunity to the detenu to put forth their defence, the grounds of detention and annexures must be supplied to the detenu in a language with which the detenu is conversant. 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 the present case, the detenu in his statement dated 26.07.2025 has categorically affirmed the position that he has studied in Miasi School, Mannadi till 8th Standard. Hence, the non-furnishing of the translation of the arrest intimation in order to enable him to put forth his defence would be contrary to the principles of natural justice and fatal to the impugned order.

5. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.567/BBCDEFGISSSV/2025 dated 18.08.2025 is set aside.

6. The detenu, viz., Peer Haneef, S/o. Peersheikoli, aged 31 years, now confined in Central Prison, Puzhal, Chennai, 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.)
26-03-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note: Registry is directed to issue a copy of this order today.



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
St.George Port,
Chennai - 600009.
2. The Commissioner of Police
Greater Chennai,
Vepery,
Chennai-600003.
3. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.
4. The Inspector Of Police
B-2, Esplanade Police Station,
Chennai.
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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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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