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HCP No. 2030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-03-2026**

CORAM

**THE HON'BLE DR.JUSTICE ANITA SUMANTH**

**AND**

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**HCP No. 2030 of 2025**

V.Akshaiya

..Petitioner(s)

Vs

1.State Rep by, The Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai – 9.

2.The District Collector and District Magistrate,  
Kancheepuram District,  
Kancheepuram.

3.The Superintendent of Police  
Kancheepuram District,  
Kancheepuram.

4.The Superintendent of Prison,  
Central PrisonII,  
Puzhal, Chenani.

5.The Inspector of Police  
Walajabad Police Station,  
Kancheepuram District.

..Respondent(s)

**Prayer:** Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any



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other appropriate Writ, calling for the records in RC.No.656/2025/M6, D.No.26/2025 on the file of the District Collector and District Magistrate, Kancheepuram District, Kancheepuram, the second respondent herein and quash the same as illegal and direct the respondent to produce the detenu Vignesh @ Vicky, S/o. Bharathi, aged about 24 years, now confined at Central prison -II, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s): Ms.S.Sengkodi

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 wife of the detenu-Vignesh @ Vicky, branded as 'Drug Offender' under Section 2(e) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 05.08.2025.

2. The learned counsel for the petitioner would submit that the document which has been relied upon by the detaining authority viz., the accident register which pertains to the adverse case, has not been translated in the language known to the detenu, which is Tamil as could be seen from his confession and therefore, the detenu's valuable right to



make an effective representation has been denied which renders his continued detention illegal.

3. Heard the learned Additional Public Prosecutor who confirmed that the translated copy was not furnished to the detenu and 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*



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*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.”*



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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. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in RC.No.656/2025/M6, D.No.26/2025, dated 05.08.2025 is set aside.

7.The detenu, viz., Vignesh @ Vicky S/o.Bharathi, aged 24 years, now confined in Central Prison-II, 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.)**  
**24-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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To

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Home, Prohibition and Excise Department,  
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2. The District Collector and District Magistrate,  
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Kancheepuram.
3. The Superintendent of Police  
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6. The Public Prosecutor,  
High Court, Madras.



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