



WEB COPY

HCP No.2156 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2156 of 2025

Malathi
W/o.Arumugam,
No. 354/1, Kalyanasundaram Street,
Sasthiri Nagar,
Erode - 638 002.

...Petitioner/Wife of the
Detenu

Vs

1. State of Tamil Nadu Rep. by its
Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Erode District,
Erode.
3. The Superintendent of Police
Erode District.
4. The Superintendent of Prison
Central Prison -Coimbatore.
5. The Inspector of Police
Prohibition Enforcement Wing- Erode,
Erode District.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for
issuance of Writ of Habeas Corpus, calling for the entire records pertaining to



the detention order passed by the 2nd respondent in Cr.M.P.No. 53/Drug Offender/2025 C1 dated 13.09.2025 and set aside the same and direct the respondents to produce the petitioner's husband namely Arumugam, S/o.Periyakaruppan, aged about 42 years, who is now confined in Central Prison, Coimbatore, before this Honble Court and set him at liberty.

For Petitioner: M.Vijaya Ragavan

For Respondents: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

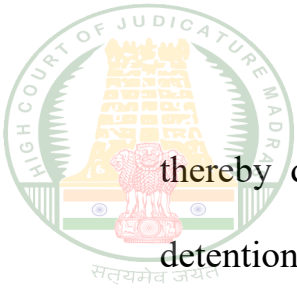
ORDER

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

The wife of the detenu – Arumugam, aged 42 years, S/o.Periyakaruppan, has filed this petition challenging the detention order dated 13.09.2025, branding him as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Crl.Side) for respondents.

3. The learned counsel for the petitioner would submit that the impugned order of detention has to be set aside for the reason that the Government Order delegating the power of detention to the 2nd respondent herein has not been translated in Tamil; and that the arrest memo was only furnished in English,



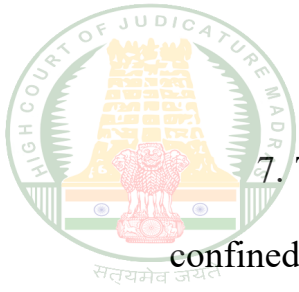
thereby denying the detenu to make an effective representation against the detention order.

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4. Heard the learned counsel for Government of Tamil Nadu (Crl.Side) for respondents, who would fairly concede that the translated version of the Government Order was not furnished to the detenu and that the translated copy of the arrest memo was not furnished.

5. It is seen from the booklet furnished to the detenu that the Government Order and the arrest memo have not been translated in Tamil, while other documents were translated in Tamil, which is the language known to the detenu. It is well settled that if the relied upon documents are not furnished in the language known to the detenu, his right to make effective representation would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of relevant documents in the language known to the detenu renders the detenu's detention illegal.

6. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order in Cr.M.P.No. 53/Drug Offender/2025 C1 dated 13.09.2025 is set aside.



7. The detenu, viz., Arumugam, aged 42 years, S/o.Periyakaruppan, now confined in Central Prison, Coimbatore, 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.)
02-06-2026

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

Note: Issue Order Copy today
dk

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Erode District,
Erode.
3. The Superintendent of Police,
Erode District.
4. The Superintendent of Prison,
Central Prison -Coimbatore.
5. The Inspector of Police,
Prohibition Enforcement Wing- Erode,
Erode District.
6. The Joint Secretary,
Law and Order Department,
Secretariat,
Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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