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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2309 of 2025

Banumathi
W/o.Soudhararajan,
No. 3/164, South Kadu,
Akkichettipalayam Village,
Palaniyapuri Post,
Attur Taluk,
Salem District.

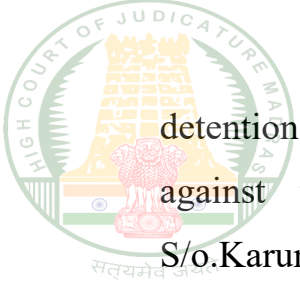
..Petitioner(s)

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai 600 009.
2. District Magistrate and District Collector of
Kallakurichi District, Kallakurichi.
3. The Superintendent of Police,
Kallakurichi District, Kallakurichi.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi 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 other Writ or Order in the nature of Writ to call for the records in connection with the order of



detention passed by the 2nd respondent dt. 02.10.2025 in D.O.No.C2/29/2025 against the petitioner Husband Soundhararajan, male aged 48 years S/o.Karunanithi, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.D. Balaji

For Respondent(s): Mr.C.R.Malarvannan

Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

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

The wife of the detenu viz., Soundhararajan, S/o.Karunanithi, male, aged 48 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. Heard Mr.D.Balaji, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

3. Though several grounds have been raised on behalf of the petitioner, we find that this HCP is to be allowed on the following grounds. The first ground is that the arrest intimation and the arrest card, placed at pages 15 and 16 of the booklet furnished to the detenu have not been translated in a language known to the detenu. The detenu has studied only upto 10th standard and,



admittedly, is conversant only in Tamil. We, hence, agree that non-furnishing of the aforesaid documents in Tamil would stand in the way of him putting forth a proper defence.

4. In this regard, we draw support from the judgment of the Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* ((1999) 2 SCC 413). 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 detainee but also to supplying their translation in script or language which is understandable to the detainee. 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.”

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5. The second ground relates to missing pages in the booklet supplied to the detenu. The detaining authority, to support his subjective satisfaction that the detenu would be enlarged on bail, has referred to the order passed in C.M.P.No.408 of 2025 dated 19.06.2025. However, a copy of the bail order has not been placed in his booklet.

6. We have compared the booklet supplied to the detenu with the booklet in possession of the learned counsel for the respondents. We find that the booklet in possession of the learned counsel for the respondents contains 54 pages, which includes a copy of the order passed in CMP No.408 of 2025. However, the booklet supplied to the detenu contains 38 pages and does not include the bail order.

7. Section 8 of the Tamil Nadu Act 14 of 1982 requires the grounds of detention to be disclosed to the detenu which necessarily, on first principles, has to be accompanied by the documents on the basis of which the grounds of detention have been made out in the detention order. Hence, the stipulation under Section 8 to serve the order of detention not later than 5 days of detention, would extend to the booklet as well.

8. We have noted that, as a practice, when the booklet is served on the detenu, the authorities affix a seal of acknowledgment of receipt on each and



every page of the booklet. The seal contains the signature of the detenu with the date and time. This seal is not available on pages 47 to 54 of the booklet available with the learned counsel for the respondents that includes the bail order.

9. Incidentally, the co-accused in this case had filed HCP No.2329 of 2025 and that has come to be allowed by order dated 22.06.2026.

10. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in D.O.No.C2/29/2025, dated 02.10.2025 is set aside.

11. The detenu, viz., Soundhararajan, S/o. Karunanithi, aged 48 years, now confined in Central Prison, Cuddalore, 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.)

23-06-2026

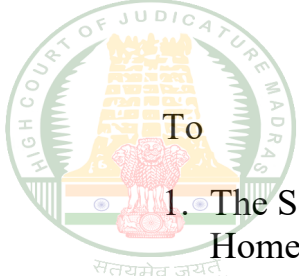
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

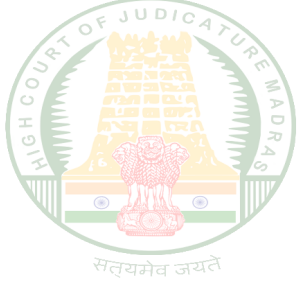
Note to Registry: Issue Today.



To

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai 600 009.
2. District Magistrate and District Collector of
Kallakurichi District, Kallakurichi.
3. The Superintendent of Police,
Kallakurichi District, Kallakurichi.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi District.
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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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

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