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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2353 and 2369 of 2025

Punitha
W/o. Thangapandi,
No.144, Mariyamman Kovil Street,
Konerirajapuram Kuttalam Thaluka,
Nagapattinam-612201.

..Petitioner in
HCP.No.2353 of 2025

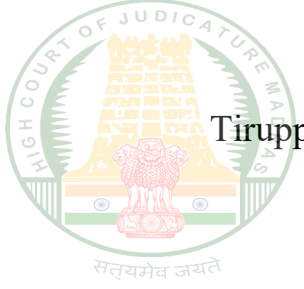
Katchammal
W/o. Moorthy,
3/190B, N Puthupatti,
Marampatti Post,
Dingidul District-624709.

..Petitioner in
HCP.No.2369 of 2025

Vs

State of Tamil Nadu Rep. by

1. The Secretary To Government,
Home, Prohibition and Excise Department, Fort
St.George, Chennai-600 009.
2. The District Collector And District Magistrate
Tiruppur District, Tiruppur.
3. The Superintendent Of Police
Tiruppur District, Tiruppur.
4. The Superintendent of Prison,
Central Prison Coimbatore, Coimbatore District.
5. The Inspector of Police
Gudimangala Police Station,



Tiruppur District.

..Respondent(s) in both
HCP's

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Prayer in HCP.No.2353 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or direction or order in the nature of writ to call for the records pertaining to the order of detention passed by the 2nd respondent Cr.M.P.No.78/GOONDA/2025 dated 03.09.2025 against the petitioner's husband Thangapandi, S/o. Moorthy, male aged 28 years now confined in Central Prison, Coimbatore, and set aside the same and direct the respondents to produce the detenue before this Hon'ble Court and set him at liberty.

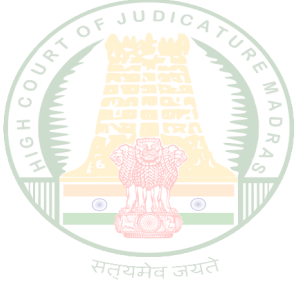
Prayer in HCP.No.2369 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or direction or order in the nature of Writ call for the records pertaining to the order of Detention passed by the second respondent Cr.M.P.No.77/GOONDA/2025 dated 03.09.2025 against the petitioner's husband Moorthy, S/o. Meenachisundharam, male aged 66 years now confined in Central Prison Coimbatore, and set aside the same and direct the respondents to produce the detenue before this Hon'ble Court and set him at liberty.

In both HCP's

For Petitioner(s): Mr.T.Balaji

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

Counsel for Government of Tamil Nadu
(Criminal Side)



Common Order

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

WEB COPY In HCP.No.2353 of 2025, the wife of the detenu viz., Thangapandi, S/o.Moorthy, male, aged 28 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. In HCP.No.2369 of 2025, the wife of the detenu viz., Moorthy, S/o.Meenatchisundram, male, aged 66 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.

3. The grounds of appeal and submissions made are common in respect of both detenus, and hence, this common order is passed in both HCPs. The main ground that are canvassed before us are that the subjective satisfaction of the authority is improper, as the circumstances under which he arrives at a conclusion that bail may be sought and obtained by the detenus, is incorrect. Secondly, the Government Order on the basis of which, powers have been delegated for passing the orders of detention have not been translated into regional language.

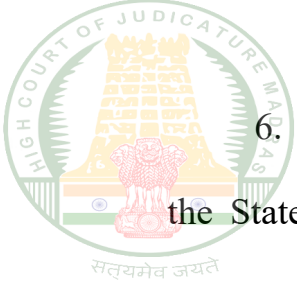
4.Heard the learned Counsel for Government of Tamil Nadu (Criminal Side), who accedes to the second point, namely, that the Government order has not been translated into Tamil.



5. In this regard, we refer to the judgment of the Hon'ble Supreme Court in the case of '*Powanammal Vs. State of Tamil Nadu*' reported in '*(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.”



6. In light of the aforesaid judgment that the documents relied upon by the State must be furnished to the detenu in a language in which they are conversant, which has not been followed in the present matter, the orders of detention stand vitiated.

7. As an additional point we also note that the subjective satisfaction of the detaining authority to the effect that the detenus will be enlarged on bail is also incorrect as the bail order relied upon by the detaining authority in CrI.M.P.No.2850 of 2025 dated 03.07.2025 passed by the Principal Sessions Judge, Madurai deals with an accused who has only one previous case and that too under NDPS Act, whereas, in the case of the detenus they have 4 previous cases and 2 previous cases respectively and none of which are under NDPS Act.

8. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in Cr.M.P.No.78/Goonda/2025 and Cr.M.P.No.77/Goonda/2025, both dated 03.09.2025 are set aside.



9. The detenus, viz., Thangapandi, S/o. Moorthy, aged 28 years, and Moorthy, S/o. Meenatchisundram, aged 66 years, now confined in Central Prison, Coimbatore, are directed to be set at liberty forthwith, unless their presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
03-06-2026

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Index: Yes/No

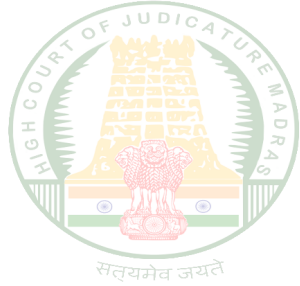
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Secretary To The Government,
(Home) Prohibition and Excise Department, Fort St George, Chennai-600 009.
2. The District Collector And District Magistrate
Tiruppur District, Tiruppur.
3. The Superintendent Of Police
Tiruppur District, Tiruppur.
4. The Superintendent,
CENTRAL PRISON, Coimbatore, Coimbatore District.
5. The Inspector of Police
Gudimangala Police Station,
Tiruppur 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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HCP Nos. 2353 and 2369 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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