

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1753 of 2025

R.Yogalakshmi, (F/44),
W/o. Raju,
No.2, Pallar Street,
Kosavampatty, Namakkal Taluk,
Namakkal District.

.. Petitioner

VS

- 1.The State of Tamil Nadu
Rep. By its Secretary to Govt.
Home, Prohibition and Excise Dept.,
Fort St.George,
Chennai - 9.
- 2.The District Collector and District Magistrate,
Office of the District Collector, Namakkal District.
- 3.The Superintendent of Police,
Namakkal, Namakkal District.
- 4.The Superintendent of Central Prison,
Central Prison, Salem District.
- 5.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas to produce the body of the detenu by name Vijay, S/o. Raju, aged 26 years, presently confined at Central Prison, Salem, before this Court and set him at liberty forthwith, after calling for the records pertaining to the detention order dated 13.08.2025 in CMP No. 71/Goonds/2025(M1) passed by the 2nd respondent and quash the same.

For Petitioner : Mr.S.Bharanidharan
for Mr.B.Mohan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

(Made by Dr. ANITA SUMANTH, J.)

One Vijay (detenu), S/o.Raju, has been detained as Goonda on 13.08.2025 invoking the provisions of Tamil Nadu Preventive Detention Act, 1982.

2. The mother of the detenu has filed the present petition challenging the aforesaid order on the grounds that there is no justification for the same. According to her, the detenu has not moved a bail application, there is no similarity with the facts in Cr.M.P.No.79 of 2023 cited by the authority, and, as the material supplied to the detenu has not been translated, there is a gross violation of principles of natural



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3. Mr.Muniyapparaj, learned Additional Public Prosecutor, has defended the impugned order pointing out that the nature of offence committed by the detenu are serious. Drawing attention to order dated 09.01.2023 passed in Cr.M.P.No.79 of 2023, he points out that the major charges in that case are similar to the present.

4. We have heard rival contentions. It is true that no bail application has been moved by either the detenu or his relatives. In fact, the detaining authority has confirmed this, in as many words. However, he goes on to say that there is a strong chance of the detenu coming on bail, which only reveals that the apprehension is without any basis. Hence we are of the considered view that such subjective satisfaction is not supported by any material whatsoever.

5. We have also perused the booklet furnished to the detenu and find that the intimation of arrest has not been translated into Tamil. This is a pre-requisite, such that the detenu is afforded opportunity to put forth his defence before the authorities.

6. In this regard, we may refer to the judgment of the Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* ((1999) 2 SCC 413). Relevant observations are as follows:



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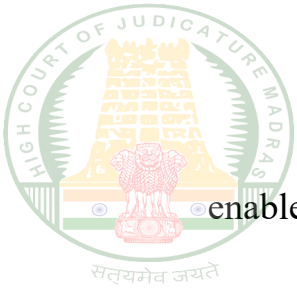


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“8. The law relating to preventive detention has been crystallized and the principles are well nigh settled. The amplitude of the safeguard embodied in Art. 22(5) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenu but also to supplying their translation in script or language which is understandable to the detenu. 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.”

7. It is hence incumbent upon the detaining authority to supply all material relied upon in a legible and comprehensible form to the detenu to



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enable him to put forth a defence.

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8. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P. No.71/Goonda/2025 (M1), dated 13.08.2025 is hereby set aside.

9. The detenu, viz., Vijay, S/o. Raju, aged 26 years, who is now confined in Central Prison, Salem 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.]
17.03.2026

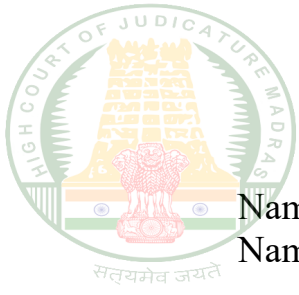
Index: Yes/No
Neutral Citation: Yes
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Note to Registry : Issue Today

To

1. The Secretary to Govt.
Home, Prohibition and Excise Dept.,
Fort St. George,
Chennai - 9.
2. The District Collector and District Magistrate,
Office of the District Collector, Namakkal District.
3. The Superintendent of Police,
Namakkal, Namakkal District.
4. The Superintendent of Central Prison,
Central Prison, Salem District.
5. The Inspector of Police,

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Namakkal Police Station,
Namakkal District.

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6. The Joint Secretary,
Law and Order Department, Secretariat, Chennai

7. The Public Prosecutor,
High Court, Madras.



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