

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2209 and 2249 of 2025

Abirami
W/o.Sasikumar,
No.57, Sasthrisalai,
7th Street,
Surampattivalasu,
Erode District.

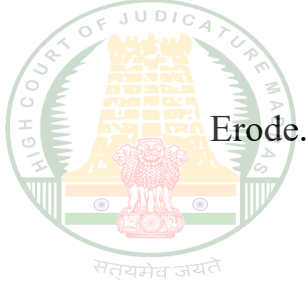
..Petitioner in
HCP.No.2209 of 2025

Chellammal
W/o.Sekar,
No. 250, Annaikatu Road,
MSK Nagar,
Surampattivalasu,
Erode District.

..Petitioner in
HCP.No.2249 of 2025

Vs

1. The State Of Tamilnadu Rep By Its, The
Additional Chief 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,
South Police Station,
Erode.

..Respondent(s) in both
HCP's

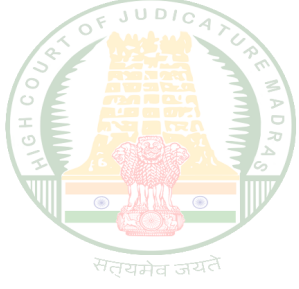
Prayer in HCP.No.2209 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ Habeas Corpus to call for the entire records from the 2nd respondent in connection with Cr.M.P.No.55/Drug Offender/2025 C1 dated 15.09.2025 and quash the same and produce the petitioners husband namely Sasikumar, S/o.Selvaraj aged 25 years, now confined in Central Prison, Coimbatore under the Tamil Nadu Act 14 of 1982 before this Hon'ble Court and set him at liberty.

Prayer in HCP.No.2249 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ Habeas Corpus to call for the entire records from the 2nd respondent in connection with Cr.M.P.No. 56/Drug Offender/2025 C1 dt. 15.09.2025 and quash the same and produce the petitioners son namely Dinesh S/o.Sekar, aged 28 years, now confined in Central Prison, Coimbatore under the Tamilnadu Act 14 of 1982 before this Honble Court and set him at liberty.

In both HCP's

For Petitioner(s): Ms.S.Nadhiya

For Respondent(s): Mr. C.R. Malarvannan Counsel for
Government Of Tamil Nadu (criminal



Side)

Common Order

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

In HCP.No.2209 of 2025, one Sasikumar, aged 25 years, S/o Selvaraj, has suffered an order of detention dated 15.09.2025 and his wife has approached this Court seeking to set aside the detention order.

2. In HCP.No.2249 of 2025, one Dinesh, aged 28 years, S/o Sekar, has suffered an order of detention dated 15.09.2025 and his mother has approached this Court seeking to set aside the detention order.

3.Learned counsel appearing on behalf of the petitioner has raised two grounds as against the impugned order of detention. Firstly, she points out that the Special Reports that form an important basis for the grounds of detention, are not even dated and secondly, the Government Orders under which the powers have been delegated to the detaining authority/ District Magistrate and District Collector, Erode District, Erode to order detention have not been translated in Tamil.

4. Learned counsel for Government of Tamil Nadu (criminal side) for the respondents would fairly accede to the position that there is no translation of the same.



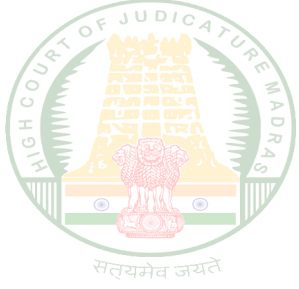
5. We have perused the Special Reports placed at page 45 of the booklets furnished. As rightly pointed out, we find the same undated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the petitioner has been taken, the same ought to have been dated, to establish credibility. The absence of even basic details such as a date, vitiates the same.

6. As regards the Government Orders are concerned, we find that the same has not been translated in the language known to the detenus, which has deprived the detenus of their right to make an effective representation. In this regard, we may 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 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



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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.”

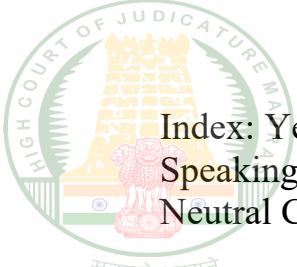
7. The subjective satisfaction of the detaining authority is hence vitiated on this aspect, and non-application of mind is writ large in the matter.

8. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Order passed by the second respondent in Cr.M.P.No.55/Drug Offender/2025 C1 and Cr.M.P.No.56/Drug Offender/2025 C1, both dated 15.09.2025 is set aside.

9. The detenus, viz., Sasikumar, S/o. Selvaraj, aged 25 years, and Dinesh, S/o. Sekar, aged 28 years, who are 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.)
02-06-2026

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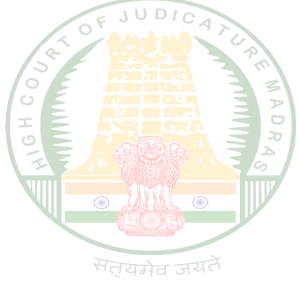
Index: Yes/No
Speaking order
Neutral Citation: Yes

Note to Registry: Issue Today.

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To

1. The State Of Tamilnadu Rep By Its, The Additional Chief 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,
Erode.
4. The Superintendent Of Prison,
Central Prison,
Cuddalore.
5. The Inspector Of Police,
South Police Station,
Erode.
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.

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