
(2026) 01 MAD CK 1735

In the Madras High Court, Madurai Bench

Case No : Habeas Corpus Petition (MD) No. 1053 Of 2025

M.Kala

APPELLANT

Vs

State Of Tamil Nadu And Others

RESPONDENT

Date of Decision : 06-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 22(5)
Tamil Nadu Prevention Of Dangerous Activities Of Bootleggers, Drug Offenders,
Goondas, Immoral Traffic Offenders And Slum- Grabbers, Act, 1982 — Section 2(ggg)

Citation : (2026) 01 MAD CK 1735

Hon'ble Judges : G.K. Ilanthiraiyan, J;R. Poornima, J

Bench : Division Bench

Advocate : K.Ramar, T.Senthil Kumar

Final Decision : Allowed

Judgement

G.K. Ilanthiraiyan, J

1. The petitioner is the mother of the detenu viz., Kannan, son of Manickam, aged about 22 years. The detenu has been detained by the second respondent by her order in B.C.D.F.G.I.S.S.S.V.No.39 of 2025, dated 03.05.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the habeas corpus petition, learned counsel for the petitioner submitted that the petitioner was not served with translated copy of the remand report, which is annexed in Page Nos.77 to 83 of the booklet Volume No.I and also he was not furnished with translated copy of the remand extension request made by the investigating officer, which is annexed in Page No. 85 of the booklet Volume No.I. Further, Page No.81 of the

booklet Volume No.I endorsement made by the Judicial Officer is not legible. It is, therefore, stated that the detenu is deprived of his valuable right to make an effective representation to the authorities concerned to reconsider the detention order.

4. In this context, it is useful to refer to the Judgment of the Honourable Supreme Court in the case of Powanammal vs. State of Tamil Nadu, reported in (1999) 2 SCC 413, wherein the Apex Court, after discussing the safeguards embodied in Article 22(5) of the Constitution of India, observed that the detenu should be afforded an opportunity of making a representation effectively against the detention order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. The relevant portion of the said decision is extracted hereunder:

"6. The short question that falls for our consideration is whether failure to supply the Tamil version of the order of remand passed in English, a language not known to the detenue, would vitiate her further detention.

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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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16. For the above reasons, in our view, the nonsupply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed."

5. We find that the above cited Powanammal's case applies in all force to the

case on hand as we find that non-furnishing of legible copy of the remand report and other documents has impaired his constitutional right to make an effective representation against the impugned preventive detention order. To be noted, this constitutional right is ingrained in the form of a safeguard in Clause (5) of Article 22 of the Constitution of India. We, therefore, have no hesitation in quashing the impugned detention order.

6. In fine, the Habeas Corpus Petition is allowed. The detention order passed in B.C.D.F.G.I.S.S.S.V.No.39 of 2025, dated 03.05.2025, by the 2nd respondent, is set aside. Consequently, the detenu viz., Kannan, S/o.Manickam, aged about 22 years, who is now detained in Central Prison, Madurai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

7. It is also made clear that if any bail application filed by the detenu, the trial Court is directed to dispose of the bail application on its own merits and in accordance with law, without influencing any of the observation made by this Court.