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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 144 of 2026

Sanjay Kumar Singh
C/o Sudama Singh,
Rewasi, Siwan,
Bihar State.

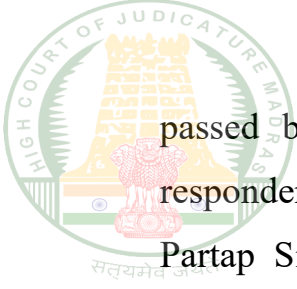
..Petitioner(s)

Vs

1. The State of Tamil Nadu, The Additional Chief Secretary to the Government,
(Home), Prohibition and Excise Department,
Secretariat,
Fort.St.George,
Chennai – 600009.
2. The District Collector and District Magistrate,
Krishnagiri District, Krishnagiri.
3. The Superintendent of Police
Krishnagiri District, Krishnagiri.
4. The Superintendent of Prison
Central Prison, Salem,
Salem District.
5. The Inspector Of Police,
Uddanapalli Police Station,
Krishnagiri District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed in his proceedings in SC.No.44 of 2025 dated 28.11.2025



passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioners son by name Rajveer Singh @ Ravi Partap Singh son of Sanjay Kumar Singh aged about 29 years before this Honourable Court now confined in Central Prison Salem and set him at liberty.

For Petitioner(s): M/s.P.Hasnah

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 father of the detenu viz., Rajveer Singh @ Ravi Partap Singh, S/o.Sanjay Kumar Singh, male, aged 29 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 challenging detention order dated 28.11.2025.

2. We have heard M/s.P.Hasnah, learned counsel for petitioner and Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side) for respondents.

3. The detenu had been detained under order dated 28.11.2025 and learned counsel for petitioner would firstly draw attention to the fact that the copy of booklet furnished has not been translated and supplied to the detenu in a language known to him. The detenu is conversant only in Hindi and this fact is acceded to by learned counsel for Government of Tamil Nadu (Criminal Side).

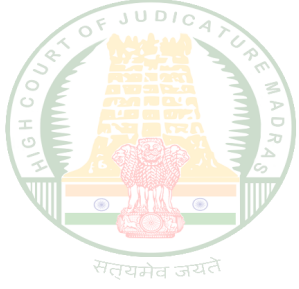


In light of the aforesaid admitted position and since the form is not in a language known to the detenu thus preventing him from putting up an effective defence, we accept this ground.

4. We take a cue from the judgment of the Supreme Court in *Powanammal v State of Tamil Nadu* [(1999) 2 SCC 413], making reference to the following observations:-

*“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 detenue but also to supplying their translation in script or language which is understandable to the detenue. 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. That apart, the basis of the grounds of detention is the power assumed by the Commissioner of Police by virtue of G.O.(D) No.281, Home, Prohibition and Excise (XVI) Department, dated 14.10.2025. Hence it is incumbent on the authority to supply a copy of the Government Order to the detenu as he must be aware of the basis upon which the authority has assumed the jurisdiction to pass the detention order. In its absence, the detenu will be at a loss as to what such basis is, and would be denied of the opportunity of challenging the basis of assumption of power.

6. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in S.C.No.44/2025 dated 28.11.2025 is set aside.

7. The detenu, viz., Rajveer Singh @ Ravi Partap Singh, S/o. Sanjay Kumar Singh, aged 29 years, 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.)
07-07-2026

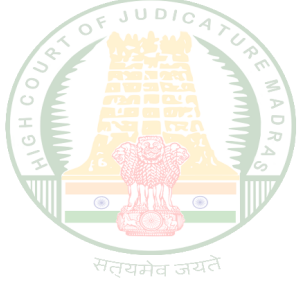
Index: Yes/No
Speaking order
Neutral Citation: Yes
SSM

Note to Registry : Issue Today



To

1. The Additional Chief Secretary to the Government,
(Home), Prohibition and Excise Department,
Secretariat,
Fort.St.George,
Chennai – 600009.
2. The District Collector and District Magistrate,
Krishnagiri District, Krishnagiri.
3. The Superintendent of Police
Krishnagiri District, Krishnagiri.
4. The Superintendent of Prison
Central Prison, Salem,
Salem District.
5. The Inspector Of Police,
Uddanapalli Police Station,
Krishnagiri District.
6. The Joint Secretary to Government
Public (Law and Order),
Fort St.George, Chennai – 9.
7. The Public Prosecutor,
High Court, Madras.



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HCP No. 144 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

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HCP No. 144 of 2026

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