

HCP No.231 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.231 of 2026

Roselin

..Petitioner/Wife of the
detenu

Vs

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to
Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai – 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai – 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai – 600 066.
4. The Inspector of Police,
R-2 Kodambakkam Police Station,
Chennai.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in Memo.No.953/BBCDEFGISSSV/2025, dated



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18.11.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same as illegal and direct the respondents to produce the petitioner's husband Thiru.Santhoshkumar S/o.Narayanan aged about 24 years, the detenu, as Goonda now he is confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.Vignesh
for Mr.C.Jagan

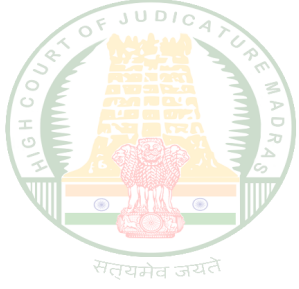
For Respondents: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The wife of the detenu – Santhoshkumar, S/o.Narayanan, aged 24 years, has filed this petition challenging the detention order dated 18.11.2025, branding him as a 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

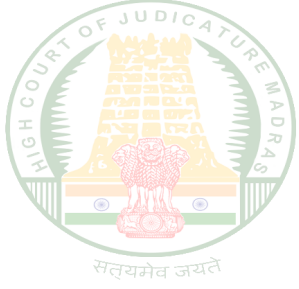


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3. It is seen from the booklet furnished to the detenu that several pages are illegible. In page 20 of the booklet which contains the list of property sent to the Magistrate, there is an overwriting. There are overwritings in pages 21 and 22 also with regard to the registration number of a vehicle. Page 23 which contains the extracts of the Search Register, is not legible. It is needless to say that furnishing of an illegible copies amounts to non-supply of the documents depriving the right of the detenu to make effective representation.

4. In this context, it is useful to refer to the following observations of the Hon'ble Supreme Court in the case of '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*'.

“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



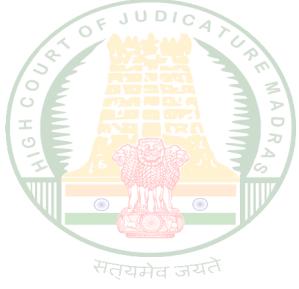
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right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds 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.

..... **16.**For the above reasons, in our view, the non-supply 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. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.953/BBCDEFGISSSV/2025 dated 18.11.2025 is set aside.



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6. The detenu, viz., Santhoshkumar, S/o.Narayanan, aged 24 years, now confined in Central Prison, Puzhal, Chennai, 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.)
16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue order copy today.

tsg/dk

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai – 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai – 600 007.
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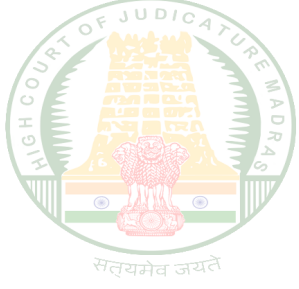
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5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.

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6. The Public Prosecutor,
High Court of Madras.



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DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.
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