



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 515 of 2026

T. Alagar
S/o.Thangaraj,
No. 3/2, Chidaambaranar 15th Street,
Basin Bridge, Washermanpet,
Tamilnadu.

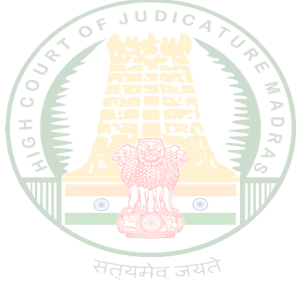
..Petitioner(s)

Vs

1. State of Tamilnadu Rep. by The Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The Commissioner of Police
Chennai District, Chennai.
3. The Superintendent of Prison
Central Prison Puzhal,
Chennai District.
4. The Inspector of Police
H-4 Korukkupet Police Station,
Chennai.

..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 by the 2nd respondent Memo No. 961/BBCDEFGISSSV/2025 dt. 19.11.2025 against the petitioner's brother Nagendran @ Nagaraj, S/o.Thangaraj, Male aged 25 years now confined in Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detainee before this Hon'ble court and set him at liberty.



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For Petitioner(s):

Mr.T.Balaji

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 brother of one Nagendran @ Nagaraj (detenu) S/o.Thangaraj, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 19.11.2025.

2. We have heard Mr.T.Balaji, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents.

3. Several grounds have been raised on behalf of the petitioner and we find that this HCP is to be allowed on the following grounds.

4. The subjective satisfaction of the detaining authority that the detenu will be released on bail is really no subjective satisfaction at all for two reasons. Firstly, the bail application filed by detenu was dismissed in Crl MP No. 7526 of 2025 on 17.11.2025. The learned Judge records that the detenu has had 17 previous cases and that the investigation was still preliminary. Secondly, no bail application has been moved thereafter. Despite this, the authority goes on to state that the detenu would be enlarged on bail for which there is no basis at all.



In fact, there is not even a credible statement that has been recorded from the relatives of the detenu and hence the inference of the authority is mere ipse dixit.

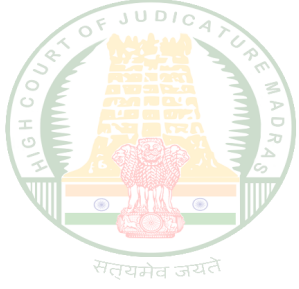
5. Incidentally, we also find merit in the submission of the learned counsel for petitioner that the detenu is handicapped by the non-furnishing of the bail order and unable to put up an effective defence as against the detention order.

6. Learned counsel for Government of Tamil Nadu (Criminal Side), on instructions, confirms that bail order is not part of the booklet furnished. In such circumstances, we find that the detention order is also vitiated for non-furnishing of relevant documents and this has deprived the detenu of his right to make an effective representation.

7. 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 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 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



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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."

8. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.961/BBCDEFGISSSV/2025 dated 19.11.2025 is set aside.

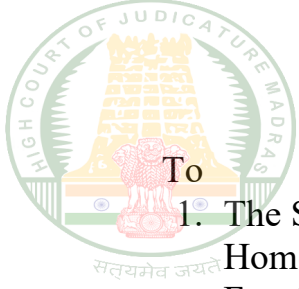
9. The detenu, viz., Nagendran @ Nagaraj, S/o. Thangaraj, male aged 25 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
14-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

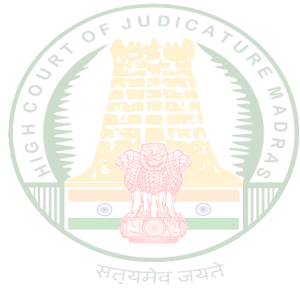
Note to Registry : Issue Today



To

1. The Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The Commissioner of Police
Chennai District, Chennai.
3. The Superintendent of Prison
Central Prison Puzhal,
Chennai District.
4. The Inspector of Police
H-4 Korukkupet Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.

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HCP No. 515 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

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HCP No. 515 of 2026

14-07-2026