

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.1049 of 2026

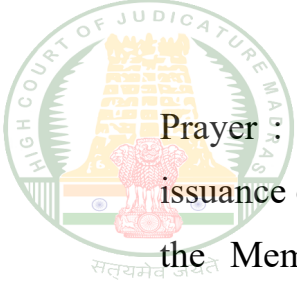
Govindammal
W/o.John,
No.76C, Kabali Thottam,
Canal Bank Road, Mylapore,
Chennai District.

...Petitioner/Mother of
the Detenue

Vs

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department,
Secretariat, Chennai-600 009.
2. Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai District.

...Respondents



Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the Memo No.962/BBCDEFGISSSV/2025 on 19-11-2025 the file of the Respondent No.2 and Quash the same and direct the Respondents to produce the person of petitioner son one named Thiru. Sarath @ Vellai Sarath S/o. John aged about 24 years now confined at Central Prison, Puzhal before this Court and set him at liberty.

For Petitioner: Mr.P.Muthamizhselvakumar

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 mother of the detenu – Sarath @ Vellai Sarath, S/o.John, aged 24 years, has filed this petition challenging the detention order dated 19.11.2025, branding him as a ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Crl.Side) for respondents.



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3. The learned counsel for the petitioner would submit that the impugned order of detention has to be set aside for the reason that the Government Order delegating the power of detention to the 2nd respondent herein has not been enclosed in the booklet provided to the detenu, thereby denying the detenu to make an effective representation against the detention order.

4. The learned counsel for Government of Tamil Nadu (Crl.Side) for respondents, would fairly concede that the Government Order was not furnished to the detenu.

5. It is seen from the booklet that the Government Order has not been furnished to the detenu. It is well settled that if the relied upon documents are not furnished to the detenu, his right to make effective representation would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of relevant documents to the detenu renders the detention illegal.

6. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order in No.962/BBCDEFGISSSV/2025 dated 19.11.2025 is set aside.



7. The detenu, viz., Sarath @ Vellai Sarath, S/o.John, 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.

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(A.S.M.,J.) (S.M.,J.)
13-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Issue order copy today.

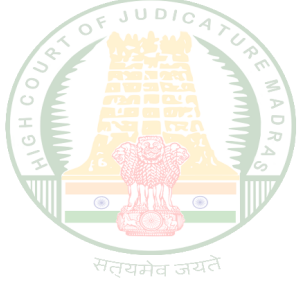
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To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police
E-4, Abiramapuram Police Station,
Chennai District.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.

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

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