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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. 2580 of 2025

Sudha
W/o.Prabhu,
Indra Nagar Hutman Area,
Athipattu Pallam, Kasimedu, Chennai 600 013.

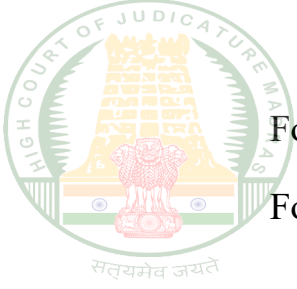
..Petitioner(s)

Vs

1. The Addl.Chief Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai- 66.
4. The Inspector of Police, Law and Order
N4 Fishing Harbour Police Station, Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance a WRIT HABEAS CORPUS or any other Writ of Order in the nature of Writ call for the records in connection with the order of Detention Passed by the 2nd Respondent dated 19.11.2025 in MEMO No.960/BBCDEFGISSSV/2025 against petitioner's son namely Prathap @ Kalla Prathap male aged 19 yrs S/o.Prabhu who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detinue before the Honble Court and set him at Liberty and pass such further or other orders.



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For Petitioner(s): Mr.S.Senthilvel

For Respondent(s): Mr.C.R.Malarvannan

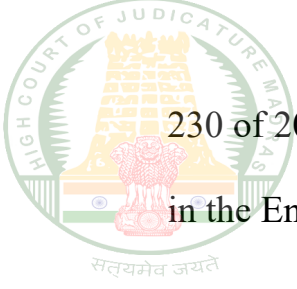
Counsel For Government Of Tamil Nadu
(criminal Side)**Order****(Order of the Court was made by Dr.Anita Sumanth J.)**

The mother of the detenu viz., Prathap @ Kalla Prathap, S/o.Prabhu, male, aged 19 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.

2.Learned counsel for the petitioner would submit that the impugned order of the detention is liable to be set aside on the ground that the documents which are furnished in the Booklet at page No.19 and 45, are illegible.

3.Heard the learned Counsel For Government Of Tamil Nadu (criminal Side).

4. This Court finds that page Nos.19 and 45 of the booklet furnished to the detenu are illegible. That apart, there are variations between the English and Tamil versions of the detention order itself. For instance, in page 11 of the English and page 18 of the Tamil versions of the order respectively, the crime number in N4 Fishing Harbour Police Station have been set out as Crime No.



230 of 2025 and 230 of 2024. Similarly, the PRC No. is mentioned as 313/2025 in the English version and 1700/2025 in the Tamil version.

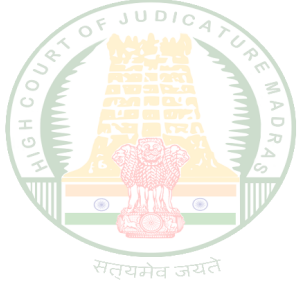
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5. We agree that such glaring variations between the two versions of the order, are a result of non application of mind on the part of the authority, vitiating the order. Furthermore, the detenu will also be hard-pressed to put forth an effective defence as against the order as it would be unknown as to which is the correct version.

6. 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 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



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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.”

7. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.960/BBCDEFGISSSV/2025, dated 19.11.2025 is set aside.

8. The detenu, viz., Prathap @ Kalla Prathap, S/o. Prabhu, aged 19 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

ssm

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today

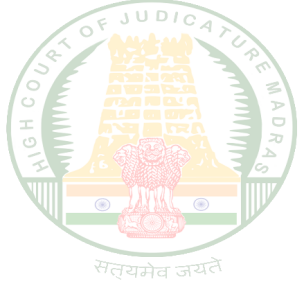
To

1. The Addl.Chief Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai-600 009.



2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai- 66.
4. The Inspector of Police, Law and Order
N4 Fishing Harbour Police Station, Chennai.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.

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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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