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HCP.No.870 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P.No.870 of 2025

R.Chitra

Petitioner(s)/ mother of the detenue

Vs

1. The Secretary to the Government
Government of Tamilnadu, (Home)
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.State rep by, the District Collector
and District Magistrate
Tiruvannamalai District,
Tiruvannamalai.

3.State rep by,
The Superintendent of Police
Tiruvannamalai District,
Tiruvannamalai

4.The Superintendent of Prison,
Central Prison, Vellore, Vellore
District.

5.The Inspector of Police
Arni Town Police Station,
Tiruvannamalai District.

...Respondent(s)



HCP.No.870 of 2025

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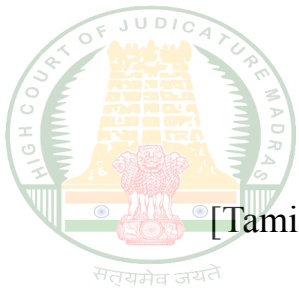
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the detention order of the 2nd respondent herein under Tamil Nadu Act XVI,1982, concerned in D.O.No.18/2025-C2 dated 11.04.2025 and quash the order of detention passed therein by the 2nd respondent herein against the detenue and directing the respondents herein to produce the body and person of the detenue by name R.Ramesh, aged about 25 years, son of Mr.Rajendharan, now detained at Central Prison, Vellore, Vellore District, before this court and setting him at liberty.

For Petitioner	: Mr.S.Thankira
For Respondents	: Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH.J.)

The petitioner herein, who is the mother of the detenu, R.Ramesh, aged about 25 years, son of Mr.Rajendharan, now detained at Central Prison, Vellore, Vellore District, has come forward with this petition challenging the detention order passed by the second respondent dated 11.04.2025 issued against her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982



HCP.No.870 of 2025

[Tamil Nadu Act 14 of 1982].

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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Learned counsel for the petitioner drew our attention to the detention order dated 11.04.2025, as well as the grounds of detention and submitted that the District Collector, Tiruvannamalai, had not affixed his signature in the said orders. Therefore, an inference requires to be drawn that the detaining authority had not perused the materials placed before him to arrive at a subjective satisfaction that the detinue is a 'Goonda'. Consequently, the conclusion that the detinue has indulged in activities prejudicial to the maintenance of public order and public tranquility cannot be sustained.

4. As pointed out by the learned counsel for the petitioner, the District Collector, Tiruvannamalai, in his detention order, as well as the grounds of detention, has affixed only his digital signature in the following manner:



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TPDA No : 7600
Date : 11.04.25
V839383/2025

D.O. No. 18/2025-C2

Office of the
District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
Dated: 11-04-2025.

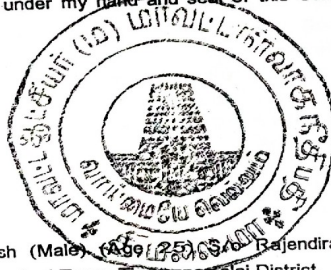
DETENTION ORDER

WHEREAS, I, K.THARPAGARAJ, I.A.S., District Collector and District Magistrate of Tiruvannamalai District on perusal of the materials placed before me, am satisfied that Thiru.Ramesh (Male) (Age 25) S/o Rajendiran, No.50/1, Dharmaraja Kovil Street, Arnipalayam, Arni Town, Tiruvannamalai District is a "Goonda" as contemplated under section 2(f) of the Tamil Nadu Act 14 of 1982, and

WHEREAS the aforesaid individual is found indulging in an activity prejudicial to the maintenance of public order and public tranquility, the details of which are set out in the grounds of detention.

NOW, therefore, in exercise of the powers conferred by the sub-section (1) of section 3 of the Tamil Nadu prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) read with the order issued by the Government in G.O. (D).No.44 Home, Prohibition & Excise (XVI) Department, Dated 09.01.2025 under sub section (2) of section 3 of the said Act, I hereby direct that the said Thiru.Ramesh (Male) (Age 25) S/o Rajendiran, No.50/1, Dharmaraja Kovil Street, Arnipalayam, Arni Town, Tiruvannamalai District, who is a "Goonda" be detained in the Central Prison, Vellore.

Given under my hand and seal of this Office on this 11-04-2025 day of April 2025.



K THARPAGARAJ
DISTRICT COLLECTOR AND
DISTRICT MAGISTRATE,
TIRUVANNAMALAI DISTRICT,
TIRUVANNAMALAI.

To
Thiru.Ramesh (Male) (Age 25) S/o Rajendiran, No.50/1, Dharmaraja Kovil Street,
Arnipalayam, Arni Town, Tiruvannamalai District.
Through The Superintendent, Central Prison, Vellore for execution and service.

Signed by
Tharpagaraj Kanagaraj
Date: 11-04-2025 10:42:47

1. நன்கு படித்து தெரிந்துகொள்ளப் வகையில் உள்ள: தெளிவான நகலைப் பெற்றுக்கொண்டேன்.
2. விளக்க சொல்ல கேட்டு தெரிந்துகொண்டேன்

R. Ramesh

கையெழுத்து
தேதி 11.04.2025. நேரம் 10.35

படித்து தமிழில் விளக்கம் சொல்லப்பட்டு
என்னால் சார்பு செய்யப்பட்டது.

சுமந்தா சண்முகவேணிப்பாளர்,
பத்திரிகை, சென்னை-2.

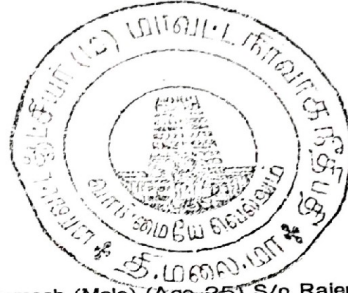


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7) He is also informed that he is permitted to have the assistance of a friend / relative, if he so desires at the time of personal hearing by the Advisory Board provided that his friend / relative is not an Advocate and that he has to make his own arrangements to have the said friend / relative be present, at the time of personal hearing by the Advisory Board.



K THARPAGARAJ

DISTRICT COLLECTOR AND
DISTRICT MAGISTRATE,
TIRUVANNAMALAI DISTRICT,
TIRUVANNAMALAI.

To

Thiru.Ramesh (Male) (Age-25) S/o Rajendiran, No.50/1, Dharmaraja Kovil Street,
Arnipalayam, Arni Town, Tiruvannamalai District.

Through The Superintendent, Central Prison, Vellore for execution of service.

Signed by

Tharpararaj Kanagaraj

Date: 11-04-2025 10:43:19

1. நன்கு படித்து தெரிந்துகொள்ளுதல்
வகையில் உள்ள தெளிவான நகலைப்
பெற்றுக்கொண்டேன்.

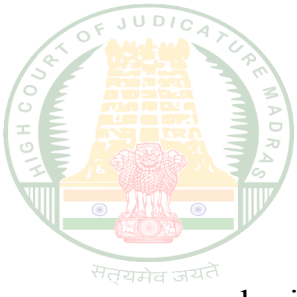
2. விளக்கம் சொல்ல கேட்டு தெரிந்துகொண்டேன்

R. Ramesh

கைப்படித்து
தேதி 11.04.2025 மணி 11.35

படித்து தமிழில் விளக்கம் சொல்லப்பட்டு
அண்ணால் சார்பு செய்யப்பட்டது.

கைப்படித்து
தேதி 11.04.2025 மணி 11.35



HCP.No.870 of 2025

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5. The learned Additional Public Prosecutor for the respondents submitted that the District Collector, Tiruvannamalai, has specified the date and time when he had electronically affixed his digital signature, which authenticates the detention order and the grounds of detention. In the alternative, he submitted that even assuming that the digital signature is not in the prescribed form, no adverse inference can be drawn to the effect that the detaining authority had not perused the materials placed before him while arriving at the subjective satisfaction that the detainee is a 'Goonda' and is indulging in activities prejudicial to the maintenance of public order and public tranquility.

6. We do not approve the objections raised by the learned Additional Public Prosecutor.

7. Under Section 3 of the Information and Technology Act, 2000 (hereinafter referred to as "the Act"), any subscriber may authenticate an electronic record by affixing their digital signature. However, the authentication of the electronic record shall be effected by the use of an Asymmetric Cryptosystem and a hash function, which together envelope and



transform the initial electronic record into another electronic record. Section 2(f) of the Act defines "Asymmetric Cryptosystem" as *"a system of a secure key pair, consisting of a private key for creating a digital signature and a public key for verifying the digital signature"*.

8. For this purpose, a valid Digital Signature Certificate (DSC) must be obtained from a licensed certifying authority under the Act, and such DSCs are typically valid for one or two years from the date of issue. The recipient of a digitally signed order or document should be in a position to verify the digital signature as to whether the DSC is valid, unexpired and issued by a trusted certifying authority. To facilitate this, the particulars of the DSC and a link to access the DSC should necessarily form part of the digitally signed document. This requirement is in addition to an endorsement stating the name, date and time of the digital signature, along with a declaration that the order is digitally signed and does not require a physical seal or signature.

9. Since a document digitally signed in accordance with Section 3 of the Act is legally valid and enforceable, an invalid digital signature must be



treated as equivalent to an unsigned document, meaning it has no legal authenticity. As a matter of fact, a document or order with an invalid digital signature, such as an expired or revoked DSC etc., may attract penalties or criminal liability. Section 5 of the Act recognizes authentication of any information or matter by means of electronic signature, notwithstanding anything contained in any law, which requires authentication of such information or other matter to be signed manually.

10. Apparently, the absence of the required particulars under Section 3 of the Act, including the details of the DSC in the detention order and the grounds of detention, renders both the detention order and the grounds of detention invalid. Consequently, an adverse inference requires to be drawn that the detaining authority had neither perused the materials before him nor arrived at a subjective satisfaction that the detainee was indulging in activities prejudicial to the maintenance of public order and public tranquility. On this ground, the detention order cannot be legally sustained.

11. Further, there is yet another infirmity in the grounds of detention, wherein in paragraph 5, the Detaining Authority has stated that there is a



possibility of the detenu coming out on bail in the ground case since in a similar case i.e. in Cr.M.P.No.697 of 2021 dated 03.08.2021, bail was granted to the accused therein. On a perusal of the said order, in page No.100 of the Booklet in Volume-II, this Court finds that the said order relates to release of the accused on bail u/s.167[2] of Cr.P.C. and the bail was granted to the accused therein since he had been in prison for 92 days and not on merits. Therefore, it is not a similar case and the subjective satisfaction of the Detaining Authority, regarding the possibility of the detenu coming out on bail suffers from non-application of mind, which vitiates the detention order. Hence, on this ground, the detention order is liable to be quashed.

12. The Hon'ble Supreme Court, in the case of '***Rekha Vs. State of Tamil Nadu through Secretary to Government and Another***' reported in '***2011 [5] SCC 244***', has dealt with a situation where the Detention Order is passed without an application of mind. In case, any of the reasons stated in the order of detention is non-existent or a material information is wrongly assumed, that will vitiate the Detention Order. When the subjective satisfaction was irrational or there was non-application of mind, the Hon'ble



Supreme Court held that the order of detention is liable to be quashed. It is relevant to extract paragraphs 10 and 11 of the said judgment of the Hon'ble

Supreme Court:-

“10.In our opinion, if details are given by the respondent authority about the alleged bail orders in similar cases mentioning the date of the orders, the bail application number; whether the bail order was passed in respect of the co-accused in the same case, and whether the case of the co-accused was on the same footing as the case of the petitioner, then, of course, it could be argued that there is likelihood of the accused being released on bail, because it is the normal practice of most courts that if a co-accused has been granted bail and his case is on the same footing as that of the petitioner, then the petitioner is ordinarily granted bail. However, the respondent authority should have given details about the alleged bail order in similar cases, which has not been done in the present case. A mere ipse dixit statement in the grounds of detention cannot sustain the detention order and has to be ignored.

11.In our opinion, the detention order in question only contains ipse dixit regarding the alleged imminent possibility of the accused coming out on bail



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HCP.No.870 of 2025

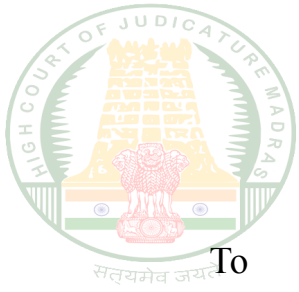
*and there was no reliable material to this effect.
Hence, the detention order in question cannot be
sustained.”*

13. In view of the aforesaid findings and the ratio laid down by the Hon'ble Supreme Court, this Court is of the view that the detention order is liable to be quashed.

14. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 11.04.2025 in D.O.No.18/2025-C2, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., R.Ramesh, aged about 25 years, son of Mr.Rajendharan, now detained at Central Prison, Vellore, Vellore District, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[M.S.R., J] [V.L.N., J]
18.07.2025

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



HCP.No.870 of 2025

To

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1. The Secretary to the Government
Government of Tamilnadu, (Home)
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.State rep by, the District Collector
and District Magistrate
Tiruvannamalai District,
Tiruvannamalai.

3.State rep by,
The Superintendent of Police
Tiruvannamalai District,
Tiruvannamalai

4.The Superintendent of Prison,
Central Prison, Vellore, Vellore
District.

5.The Inspector of Police
Arni Town Police Station,
Tiruvannamalai District.

6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.
and



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V. LAKSHMINARAYANAN, J.

Anu

H.C.P.No.870 of 2025

18.07.2025