



H.C.P.No.1226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

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Amutha

... Petitioner

Vs.

1.The Secretary to the Government
Government of Tamilnadu
(Home) Prohibition and Excise Dept.
Secretariat, Chennai 600 009

2.The Commissioner of Police
Greater Chennai
Chennai

3.The Inspector of Police
All Women Police Station
Kotturpuram
Chennai

4.The Superintendent
Central Prison, Puzhal
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, to call for the entire records connected



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with the order of the 2nd respondent herein in Memo No.69/BCDFGISSSV/2025 dated 06.02.2025 passed against the petitioner's son the detenu namely Rajaguru, son of Sundarrajan, aged about 41 yars, who is confined at Central Prison, Puzhal, Chennai, and set aside the same, consequently directing the respondents herein to produce the body and person of the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.D.Magesh

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

The petitioner, who is the mother of the detenu, viz. Rajaguru, aged about 41 years, S/o.Sundarrajan, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 06.02.2025 slapped on her son, branding him as "Sexual Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic



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Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video

Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detenu was furnished with illegible copies of Form-91. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page No.72 of the booklet contains an illegible copy of Form-91, hence the copy furnished to the detenu, is illegible. This furnishing of illegible copies of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention.

5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in '*Powanammal Vs. State of Tamil Nadu*'



reported in '**(1999) 2 SCC 413**'. The Hon'ble Supreme Court, after

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discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the Detention Order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} as follows:

“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 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



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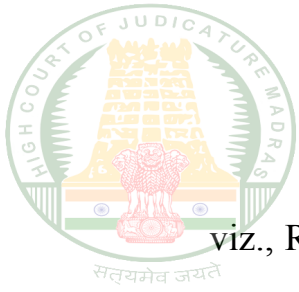
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supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be 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.”*

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

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 06.02.2025 in No.69/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu



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viz., Rajaguru, S/o.Sundarrajan, aged about 41 years, confined at Central prison, Puzhal Chennai, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.S.R, J.] [V.L.N, J.]
19.08.2025

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Index: Yes/No
Neutral Citation
Speaking / Non Speaking

To

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