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H.C.P.No.1304 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1304 of 2025

R.Amul

... Petitioner/detenue's mother

-VS-

1. The Additional Chief Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

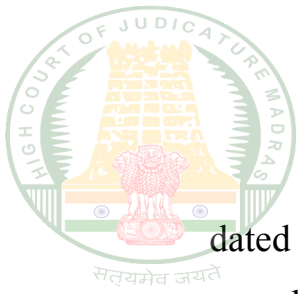
2. The Commissioner of Police,
Office of the Commissioner of Greater Chennai Police,
(Goondas Section), Vepery, Chennai-600 007.

3. The Superintendent of Prison,
Special Prison for Women,
Puzhal, Chennai.

4. The State Rep. by
The Inspector of Police,
R-1, Mambalam Police Station,
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 with the order of the 2nd respondent herein in Memo No.343/BCDFGISSSV/2025



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dated 11.06.2025 passed against the petitioners daughter of the detenue namely Tmt.Rekha W/o.Chandru aged about 30 years who is confined at Special Prison for Women Puzhal Chennai-600 066 and set aside the same consequently directing the respondents herein to produce the body and person of the detenue before this Honble Court and set him at liberty.

For Petitioner : M/s.R.Saritha
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the mother of the detenue, namely Rekha, W/o.Chandru, aged about 30 years, detained at Special Prison for Women Puzhal Chennai, has come forward with this petition challenging the detention order dated 11.06.2025, passed by the second respondent in Memo No.343/BCDFGISSSV/2025, branding her as a "Goonda", as contemplated under Section 2 (f) 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).

2. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor appearing for the respondents.

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3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the detainee was furnished with illegible copy in volume-II of the booklet. Hence, it is submitted that the detainee was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page Nos.8 and 9 of the confession statement in Volume-II of the booklet furnished to the detainee, is illegible. This furnishing of illegible copy of the vital document would deprive the detainee 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 discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the



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detenue 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 detenue, 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 detenue 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 detenue'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 detenue, 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



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her continued detention illegal. We, therefore, direct that the detainee be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

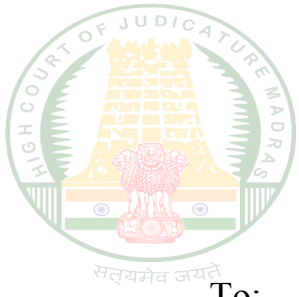
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, the Habeas Corpus Petition is allowed and the Detention Order passed by the Second Respondent in Memo No.343/BCDFGISSSV/2025 dated 11.06.2025 is hereby set aside. The detainee, viz., Rekha, W/o.Chandru, aged about 30 years, who is now confined in the Special Prison for Women Puzhal Chennai, is hereby directed to be set at liberty forthwith unless her presence is required in connection with any other case.

(J.N.B.J.,) (S.S.J.,)
26.09.2025

Index: Yes / No
Internet: Yes / No
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.



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To:
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1. The Additional Chief Secretary to the Government,
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(Home), Prohibition & Excise Department,
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2. The Commissioner of Police,
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3. The Superintendent of Prison,
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Puzhal, Chennai.
4. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

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