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HCP No. 1376 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

H.C.P No. 1376 of 2025

1. Thiru Vignesh
S/o.Mr.Shanmugam, No.24/2, Cross
Garden, 4th Lane, Royapuram
,Chennai-600 013

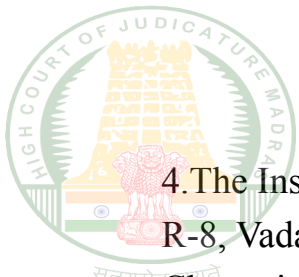
Petitioner(s)

Vs

1. The Additional Chief Secretary
Government of Tamilnadu, Home,
Prohibition and Excise Department,
Secretariat, Chennai-600 009

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

3.The Superintendent
Central Prison, Puzhal, Chennai,
Tamilnadu-600 066



4. The Inspector of Police
R-8, Vadapalani Police Station,
Chennai-600 026

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Respondent(s)

PRAYER

The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent herein and made in No.278/BCDFGISSSV/2025 dated 27.05.2025 and to set aside the same and directing the third respondent to produce the detenu, the petitioner's friend Arun Pandiyarajan S/o.Gandhi male aged about 32 years now confined in Central Prison, Puzhal, Chennai before this Court thereby setting him at liberty

For Petitioner(s): M/s.S.M.Raghuram

For Respondent(s): Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

J.NISHA BANU J.
and
S.SOUNTHAR J.

The petitioner herein is the friend of the detenu viz., Arun Pandiyarajan S/o. Gandhi, aged about 32 years, confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 27.05.2025 slapped on his friend, 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 [Tamil Nadu Act 14 of 1982].

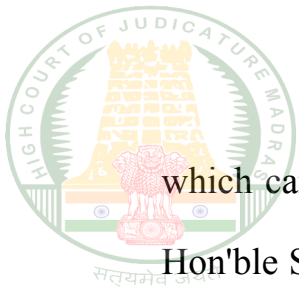
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2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

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 detenu was furnished with illegible copy in Page No.76 of the booklet. 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.76 of the booklet furnished to the detenu, list of properties, is illegible. This furnishing of illegible copy 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 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 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 detenu be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”



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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 27.05.2025 in No.278/BCDFGISSSV/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., **Arun Pandiyarajan, S/o.Gandhi**, aged about 32 years, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(J.NISHA BANU J.) (S.SOUNTHAR J.)

23-09-2025

ASI

To

1.The Additional Chief Secretary
Government of Tamilnadu, Home,
Prohibition and Excise Department,
Secretariat, Chennai-600 009



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

3. The Superintendent
Central Prison, Puzhal, Chennai,
Tamilnadu-600 066

4. The Inspector of Police
R-8, Vadapalani Police Station,
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5. The Public Prosecutor,
High Court of Madras, Chennai.



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