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HCP.No.1480 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1480 of 2025

Khatija Bee

W/o.Ansar Basha

... Petitioner

Versus

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department
Fort St.Goerge, Chennai.

2.The District Collector and District Magistrate
Office of the District Collector
Tirupathur
Tirupathur District

3. The Superintendent
Central Prison, Vellore

4. The Superintendent of Police
Tirupathur
Tirupathur District

5. The Inspector of Police
Jolarpet Police Station
Thirupathur
Thirupathur District

... Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records of the impugned Detention Order passed by the second respondent vide C3/D.O.No.21/2025 dated 23.06.2025 against the petitioner's son Akbar Basha, S/o.Ansar Basha, aged about 21 years, who is confined at Central Prison, Vellore and quash the same and further direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the mother of the detenu Akbar Basha, S/o.Ansar Basha, male, aged about 21 years, has come forward with this petition challenging the detention order passed by the second respondent dated 23.06.2025 bearing reference C3/D.O.No.21/2025 slapped on his son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand 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 and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner mainly focussed his argument on the ground that the some of the pages in the booklet supplied to the detenu are illegible, which prevented the detenu from making an effective representation against the impugned order of detention. Thus, the detention order is vitiated and the same is liable to be quashed.

4. The said submission made by learned counsel appearing for the petitioner has not been disputed by learned Additional Public Prosecutor.

5. A perusal of the booklet supplied to the detenu would show that some of the pages in the booklet are illegible. As such, we find that the furnishing of the illegible copies would prejudice the detenu in making an effective representation against the impugned order of detention.



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6.Hon'ble Supreme Court in *State of Manipur Vs. Buyamayum Abdul Hanan* reported in (2022) 19 SCC 509 has held that supply of the illegible copy of documents which has been relied upon by the detaining authority has deprived the detenu in making an effective representation. Relevant paragraphs of Hon'ble Supreme Court are paragraphs 22 and 23 and the same read as follows:

'22. Thus, the legal position has been settled by this Court that the right to make representation is a fundamental right of the detenu under Article 22(5) of the Constitution and supply of the illegible copy of documents which has been relied upon by the detaining authority indeed has deprived him in making an effective representation and denial thereof will hold the order of detention illegal and not in accordance with the procedure contemplated under law.

23. It is the admitted case of the parties that Respondent 1 has failed to question before the detaining authority that illegible or blurred copies were supplied to him which were relied upon while passing the order of detention, but the right to make representation being a fundamental right under Article 22(5) of the Constitution in order to make effective representation, the detenu is always entitled to be supplied with the legible copies of the documents relied upon by the detaining authority and such



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information made in the grounds of detention enables him to make an effective representation. '

Therefore, we are inclined to set aside the impugned detention order on the ground that supply of illegible copies of documents relied on by the detaining authority has caused prejudice to the detenu in making an effective representation against the impugned order of detention.

7. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 23.06.2025 in C3/D.O.No.21/2025 is hereby set aside and. The detenu Akbar Basha, S/o.Ansar Basha, male, aged about 21 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
27.10.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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To

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5. The Inspector of Police
Jolarpet Police Station
Thirupathur
Thirupathur District
6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor
High Court, Madras.



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N.SATHISH KUMAR, J.,
AND

M.JOTHIRAMAN, J.,

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