



*HCP.No.1550 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1550 of 2025

Kala

... Petitioner

Versus

1. The Additional Chief Secretary to the Government  
Home, Prohibition and Excise Department  
Secretariat, Fort St.George  
Chennai – 600 009

2. The Commissioner of Chennai Police  
Avadi Commissioner Office  
Avadi

3. The Superintendent  
Central Puzhal Prison-II  
Chennai

4. Inspector of Police (L&O)  
E-1, Ponneri Police Station  
Thiruvallur

.. 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 calling for the entire records connected with the order of the 2<sup>nd</sup> respondent herein in 95/BCDFGISSSV/2025 dated 04.07.2025 against the petitioner son Magesh, S/o.Kumar, aged 27 years, confined at Central Prison, Puzhal II, Chennai and set aside the same and consequently direct the respondents herein to produce the detenu before this Court.

For Petitioner : Mr.K.Tamilvanan

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 Magesh, S/o.Kumar, male, aged 27 years, has come forward with this petition challenging the detention order passed by the second respondent dated 04.07.2025 bearing reference No.95/BCDFGISSSV/2025 slapped on her 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 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 arrest intimation form in English version has not been furnished to the detenu and the same deprived the detenu from making an effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. Learned Additional Public Prosecutor has not refuted the non-supply of the arrest intimation form in English version to the detenu.

5. On perusal of the booklet furnished to the detenu, it is seen that the arrest intimation form has not been enclosed in the booklet, which prevented the detenu from making an effective representation and that the Detention Order passed by the Detaining Authority is vitiated.



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6. 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 is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 of the said judgment 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



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

7. 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.

8. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2<sup>nd</sup> respondent dated 04.07.2025 in Memo No.95/BCDFGISSSV/2025 is hereby set aside and the detenu viz., Magesh,



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S/o.Kumar, male, aged 27 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.]**  
**29.10.2025**

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

To

1. The Additional Chief Secretary to the Government  
Home, Prohibition and Excise Department  
Secretariat, Fort St.George  
Chennai – 600 009
2. The Commissioner of Avadi Chennai Police  
Avadi Commissioner Office  
Avadi
3. The Superintendent  
Central Puzhal Prison-II  
Chennai
4. The Inspector of Police (L&O)  
E-1, Ponneri Police Station  
Thiruvallur
5. The Joint Secretary to Government  
Public (Law & Order)  
Fort Saint George, Chennai – 9
6. The Public Prosecutor  
High Court, Madras.



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N.SATHISH KUMAR, J.,

AND

M.JOTHIRAMAN, J.,

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