



HCP No.1619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

HCP No.1619 of 2025

Rahmath Be
W/o.Mohammed Rope,
No.15/20, Janijan Khan 1st Lane,
Royapettah, Chennai - 600014.

Petitioner(s)

Vs

1.State of Tamil Nadu,
represented by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 600007.

3.The Inspector of Police,
D-3, ICE House Police Station, Chennai.

4.The Superintendent of Prison,
Central Prison -II,
Puzhal, Chennai - 600066.

Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No.358/BCDFGISSSV/2025 dated 17.06.2025 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Chan Basha, S/o.Mohammed Rope, aged about 35 years the detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner(s): Mr.R.Muthukumar

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

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the father of the detenu Chan Basha, S/o.Mohammed Rope, aged about 35 years, has come forward with this petition challenging the detention order passed by the second respondent dated 17.06.2025 bearing reference Memo No.358/BCDFGISSSV/2025



slapped on her brother, 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].

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 focused his argument on the ground that some of the pages in the booklet supplied to the detenu were illegible, particularly the arrest memo at page no.14 in Volume-I, is 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.



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5. A perusal of the booklet supplied to the detenu would show that the arrest memo at page no.14 in Volume-I, is 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, dated 17.06.2025.

6. The 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 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.

In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 17.06.2025 in Memo No.358/BCDFGISSSV/2025 is hereby set aside. The detenu Chan Basha, S/o.Mohammed Rope, aged about 35 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.)

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nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

- 1.The Additional Chief Secretary,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
- 2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 600007.
- 3.The Inspector of Police,
D-3, ICE House Police Station, Chennai.
- 4.The Superintendent of Prison,
Central Prison -II,
Puzhal, Chennai - 600066.
- 5.The Public Prosecutor,
Madras High Court, Chennai.
- 6.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai – 9.



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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

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