



WEB COPY



HCP.No.1749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1749 of 2025

Parameshwari

... Petitioner

Versus

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The District Magistrate and District Collector
Office of District Collector
Tiruppur District – 641 604
3. The Superintendent of Police
Office of the Superintendent of Police
Tiruppur District – 641 603
4. The Superintendent of Prison
Central Prison, Coimbatore
Coimbatore – 641 018
5. The Inspector of Police
Kamanaickenpalayam Police Station
Tirupur- 641 658

..

Respondents



HCP.No.1749 of 2025

WEB COPY

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 detention order of the 2nd respondent in Cr.MP.No.31/GOONDA/2025 dated 21.04.2025 and quash the same and direct the respondents to produce the body and person of petitioner's brother namely Sabareesh, Son of Jagathish, aged 25 years detained in Central prison, Coimbatore, before this Honorable Court and set him at liberty forthwith.

For Petitioner : Mr.R.Rajprabhu

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 sister of the detenu Sabareesh, S/o.Jagathish, aged 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 21.04.2025 bearing reference Cr.MP.No.31/GOONDA/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].



HCP.No.1749 of 2025

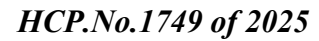
WEB COPY

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 some of the pages in the booklet supplied to the detenu were 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



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



WEB COPY



HCP.No.1749 of 2025

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.

7. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 21.04.2025 in C.M.P.No.31/GOONDA/2025 is hereby set aside and. The detenu Sabareesh, S/o.Jagathish, male, aged 25 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.]
24.10.2025

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



HCP.No.1749 of 2025

WEB COPY

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The District Magistrate and District Collector
Office of District Collector
Tiruppur District – 641 604
3. The Superintendent of Police
Office of the Superintendent of Police
Tiruppur District – 641 603
4. The Superintendent of Prison
Central Prison, Coimbatore
Coimbatore – 641 018
5. The Inspector of Police
Kamanaickenpalayam Police Station
Tirupur- 641 658
6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP.No.1749 of 2025

N.SATHISH KUMAR, J.,

AND

M.JOTHIRAMAN, J.,

gpa

H.C.P.No.1749 of 2025

24.10.2025