



HCP.No.1817 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1817 of 2025

N.Karpagam

... Petitioner
Mother of the detenu

Versus

1. The State of Tamil Nadu
Rep. By the Secretary
Home, Prohibition and Excise Department
Fort St.George, Chennai- 600 009
 2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police (Goondas Section)
Chennai
 3. The Superintendent of Prison
Central Prison, Puzhal
Chennai District
 4. The Inspector of Police
R-10, M.G.R.Nagar Police Station
Chennai
- ... Respondents



HCP.No.1817 of 2025

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 relating to the detention order vide Memo No.461/BCDFGISSSV/2025 dated 07.07.2025 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son namely Prathapkumar, son of Nallathambi, aged above 30 years (who is presently undergoing detention in the Central Prison, Puzhal, Chennai), before this Court and set him at liberty.

For Petitioner : Mr.R.Rajadurai

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 Prathapkumar, S/o.Nallathambi, male, aged 30 years, has come forward with this petition challenging the detention order passed by the second respondent dated 07.07.2025 bearing reference No.461/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].



HCP.No.1817 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 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, dated



HCP.No.1817 of 2025

WEB COPY

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



WEB COPY



HCP.No.1817 of 2025

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 07.07.2025 in No.461/BCDFGISSSV/2025 is hereby set aside. The detenu Prathap Kumar, S/o.Nallathambi, male, aged above 30 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.]
31.10.2025

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



HCP.No.1817 of 2025

WEB COPY

To

1. The Secretary
Home, Prohibition and Excise Department
Fort St.George, Chennai- 600 009
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police (Goondas Section)
Chennai
3. The Superintendent of Prison
Central Prison, Puzhal
Chennai District
4. The Inspector of Police
R-10, M.G.R.Nagar Police Station
Chennai
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP.No.1817 of 2025

N.SATHISH KUMAR, J.,

AND

M.JOTHIRAMAN, J.,

gpa

H.C.P.No.1817 of 2025

31.10.2025