



HCP.No.2096 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2096 of 2025

Tmt.Manjula

... Petitioner/
Mother of the detenu

Versus

1. The State of Tamil Nadu
Rep. By its Secretary to the Government
Prohibition and Excise Department
Fort St.George
Chennai – 600 009
2. The Commissioner of Police
Greater Chennai Chennai City
Veppery, Chennai -600 054



HCP.No.2096 of 2025

WEB COPY

3. The Superintendent of Police

Central Prison, Puzhal

Chennai – 600 066

4. The Inspector of Police

Law and Order

P3, Vyasarpadi Police Station

Chennai

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records in Detention order passed in BBCDEFGISSSV No.522/2025 dated 31.07.2025 passed by the 2nd respondent herein and quash the same and direct the respondents herein to produce the petitioner's son detenue Akash @ Vaandu Akash, male aged 25, S/o. Kamalakannan, Samiyar Thottam, 3rd Cross Street, Vyasarpadi, Chennai-600 039, who is now confined in Central Prison Puzhal, Chennai before this Honble Court and set him at liberty

For Petitioner : Mr.A.Ashok Kumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER



HCP.No.2096 of 2025

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

WEB COPY

The petitioner, who is the mother of the detenu Akash @ Vaandu Akash, male aged 25, S/o. Kamalakannan, has come forward with this petition challenging the detention order passed by the second respondent dated 31.07.2025 bearing reference BBCDEFGISSSV No.522/2025 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].

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 detenue are illegible,



HCP.No.2096 of 2025

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 Page Nos.279 and 281 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 31.07.2025.

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



HCP.No.2096 of 2025

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



HCP.No.2096 of 2025

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

WEB COPY

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 view of the aforesaid reason, the detention order passed by the second respondent dated 31.07.2025 in BBCDEFGISSSV No.522/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Akash @ Vaandu Akash, male aged 25, S/o. Kamalakannan, 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.]
24.11.2025

Index: Yes/No



HCP.No.2096 of 2025

Neutral Citation: Yes/No

gpa

WEB COPY



HCP.No.2096 of 2025

WEB COPY

To

1. The Secretary to the Government
Prohibition and Excise Department
Fort St.George
Chennai – 600 009
2. The Commissioner of Police
Greater Chennai Chennai City
Veppery, Chennai -600 054
3. The Superintendent of Police
Central Prison, Puzhal
Chennai – 600 066
4. The Inspector of Police
Law and Order
P3, Vyasarpadi 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.2096 of 2025
N.SATHISH KUMAR, J.,
AND
M.JOTHIRAMAN, J.,

gpa

H.C.P.No.2096 of 2025



WEB COPY



HCP.No.2096 of 2025

24.11.2025