



HCP.No.2212 of 2025

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.2212 of 2025

Vaishnavi

... Petitioner/
friend of the detenu

Versus

1. The State of Tamil Nadu
Rep. By its Principal Secretary
Home, Prohibition and Excise Department
Secretariat Complex
Chennai – 600 009
2. The Commissioner of Police
Office of Commissioner of Police
Greater Chennai – 600 007
3. The Superintendent of Prisons



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Central Prison
Puzhal, Chennai-600 066

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4. The Inspector of Police
G-1 Vepery Police Station
Chennai District

.. 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 relating to the detention order in No.471/BCDFGISSSV/2025 dated 12.07.2025 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and quash the same and direct the respondents to produce Sanjay @ Rahul, S/o.Gopinath, male, aged 24 years, who is presently confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.P.Santhosh

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 friend of the detenu Sanjay @ Rahul,



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S/o.Gopinath, male, aged 24 years, has come forward with this petition

challenging the detention order passed by the second respondent dated

12.07.2025 bearing reference No.471/BCDFGISSSV/2025 slapped on her

friend, 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 several grounds have been raised in the petition, the learned counsel for the petitioner in the hearing submitted that the order of detention passed by the Detaining Authority is vitiated for material irregularities, as the copy of the Government order pertaining to Delegation of Powers was not given to the detenu, which prevented him from making an effective representation and therefore, the impugned detention order is liable to be set aside.

4. On a perusal of Booklet served on the detenu, it is seen that copy of the Government Order is not enclosed in the booklet. Therefore, this Court is of the view that non-furnishing of copy of the vital document relied upon by the Detaining Authority to arrive at a subjective satisfaction, would deprive



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the detenu of his valuable right to make effective representation. Therefore,

on this ground alone, the detention order passed by the Detaining Authority

is vitiated.



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5. 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 in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} 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 detenu 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 thereof. In such a case, the detenu's complaint of non-supply of document has to be



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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 detenu, 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 detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

6. 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.

7. In view of the aforesaid reason, the detention order passed by second respondent dated 12.07.2025 in No.471/BCDFGISSSV/2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Sanjai @ Rahul, male, aged 24 years, S/o.Gopinath, is directed to be set at liberty forthwith unless he is required in connection with any other case.



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[N.S.K.,J.] [M.J.R.,J.]

24.11.2025

Index: Yes/No

Neutral Citation: Yes/No

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To

1. The Principal Secretary
Home, Prohibition and Excise Department
Secretariat Complex
Chennai – 600 009
2. The Commissioner of Police
Office of Commissioner of Police
Greater Chennai – 600 007
3. The Superintendent of Prisons
Central Prison
Puzhal, Chennai-600 066
4. The Inspector of Police
G-1 Vepery Police Station
Chennai District
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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