



H.C.P.(MD) No.435 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.435 of 2025

P.Murugan

... Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai- 600 009.

2. The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.

3. The Superintendent of Prison,
Central Prison,
Palaymkottai,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus to call for the entire records connected with
the detention order passed in H.S.(MD) Confdl. No. 07/2025 dated



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07.01.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son i.e., Muthumanohar, aged about 21 years, S/o. Murugan, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN. J.)

The petitioner is the father of the detenu, Muthumanohar, aged about 21 years. The detenu has been detained by the second respondent by his order in H.S.(MD) Confdl. No. 07/2025 dated 07.01.2025 holding him to be a "Goonda", as contemplated under Section 3(1) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the



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respondents. We have also perused the records produced by the Detaining Authority.

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that remand order in hand written and is not legible in page Nos.81 and 83 of the first booklet and though it is stated in the grounds of detention, the remand order is in hand written and the same is not legible. Even Tamil version of the remand order is given, it is not a correct translation. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the grounds of detention, it is seen that remand order was extended. But the remand order is not legible in page Nos.81 and 83. This illegible copy of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention. The scanned copy of the same are as follows:



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(1) The accused Mr. Muthu Nandhan has been produced before this Court on 7.12.24 at 2.45 p.m. The accused is fit. The accused has no complaints and pains. The learned legal aid Counsel Mr. Krishnamoorthy and the investigating officer Mr. Ezhil Suresh Singh are present. The accused has been explained in the Court of law and is found fit to stand trial.

(i) The account has been questioned in the treatment by Jais and in the complexity. The family of the account has been informed. The materials on account show that there is some material for account. Further, this Court is of the view that the alleged matter has large social economic impact on the State.

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INSPECTOR OF POLICE
MR. GID
THOMAS



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(3) Thus to mitigate the catastrophic effect of the issue, the need to conduct fair investigation and the view of the crime, the request for the issue of the issue is recommended 114 13.12.24

- *[Signature]* -
9/12/24

Meaning,
சமீப காலத்தில் நிகழ்ந்த கொலைகள், குற்றங்கள் மற்றும்
பொருளாதார சீர்திருத்தம், அரசு சமீப காலத்தில்
பெறும் சட்ட சீர்திருத்தம் குறித்து கருத்துரை

9/12/24

Meaning,
கொலைகள், கொலை (1) - மரபு சமீப காலத்தில்,
1) 9/12/24
2) 9/12/24

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EXAMINER *[Signature]* SUPERINTENDENT *[Signature]*

30/12/24
(True copy)

Inspector of Police
MID CID



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5. In this context, it is useful to refer to the Judgment of the Honourable Supreme Court in the case of ***Powanammal vs. State of Tamil Nadu***, reported in ***(1999) 2 SCC 413***, wherein the Apex Court, after discussing the safeguards embodied in Article 22(5) of the Constitution of India, observed that the detenu should be afforded an opportunity of making a 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. The relevant portion of the said decision is extracted hereunder:

"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



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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 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 nonsupply 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. We find that the above cited ***Powanammal***'s case applies in all force to the case on hand as we find that illegible copy of the document relied on by the Detaining Authority at Page Nos.81 and 83 of the first Booklet. This illegible copy of remand order to the detenu, has impaired his constitutional right to make an effective representation against the



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impugned preventive detention order. To be noted, this constitutional right is ingrained in the form of a safeguard in Clause (5) of Article 22 of the Constitution of India. We, therefore, have no hesitation in quashing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(MD) Confdl. No. 07/2025 dated 07.01.2025 passed by the second respondent is set aside. The detenu, viz., Muthumanohar, aged about 21 years, S/o. Murugan,, is directed to be released forthwith unless his detention is required in connection with any other case.

[C.V.K., J.] [R.V., J.]

15.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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