



H.C.P.(MD) No.530 of 2025

WEB COPY

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.530 of 2025

Kannaki

... Petitioner

Vs.

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

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

3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to all for the records pertaining to the impugned detention order passed by the R2 made in his proceedings in Cr.M.P.No.05/2025 dated 01.03.2025 in detaining the detenu U/s.2(f) of the TN Act 14 of 1982 as a Goonda and quash the same and direct the



H.C.P.(MD) No.530 of 2025

respondents to produce the detenu namely, Thangamayan, S/o. Periya Karuppan, male aged about 55 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner is the wife of the detenu, Thangamayan, S/o Periya Karuppan, aged about 55 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.05/2025 dated 01.03.2025 holding him to be a "Goonda", as contemplated under Section 2(f) 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



H.C.P.(MD) No.530 of 2025

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 extension order in hand written and is not legible in page Nos.52,53 and 56 of the first booklet and though it is stated in the grounds of detention, the remand extension order is in hand written and the same is not legible. 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 extension order is not legible in page Nos.52, 53 and 56. 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:



H.C.P.(MD) No.530 of 2025

[illegible]

Signature of IO:
CHELLADURAI
INSPECTOR OF POLICE
MUSIRI PS
TRICHY DISTRICT

STONY & Urmur legs
 and Euphorbia in them, no complaints
 against police, ~~the~~ ~~the~~ Euphorbia in
 other the other is under injunct. power
 on them, the other injunct. is under
 force to stand clear when the
 police that injunct. was dropped
 by 35 y. and the company, 4184
 are being in working. 305
 A. Good Dand,

TAUCHY DISTRICT
 JUDICIAL MAGISTRATE
 RECEIVED
 302





- 3 -

53

41-42 the village
 Office No 123, 275 of Govt.
 E 6, 24 (1) & 10th floor,
 All around the ground around,
 41-42 is for the Government,
 private lands of Government property,
 has recovered for the Govt.
 Total property value is Hbl. kg.
 As E 44 have various cases
 immediately the date of the
 matter of the property of the
 and there are found to
 belong to the Government is well
 known to you the and for
 the above said office
 No 123 of Govt is private
 Govt of Madras,



H.C.P.(MD) No.530 of 2025

WEB COPY



H.C.P.(MD) No.530 of 2025

WEB COPY

516

காவல் நீட்டியு அறிக்கை

பேரவையார்: காவல் உதவி ஆய்வாளர் முசிநி காவல்நிலையம், திருச்சி மாவட்டம்.

பெறு: கனம் குற்றவியல் நீதித்துறை நடுவர் அலகர், குற்றவியல் நீதிமன்றம், முசிநி.

பேரவர்: பாண்டலையில் கனம் வழக்கில் மாற்றியில் கனம் எதிரிக்கு மேலும் 15 நாட்கள் காவல் நீட்டியு செய்ய வேண்டுகை.

பாண்டல: 01/02/25 (Case: 30/25 U3 275, 123 BNS 67/10 24/10 20+PA Act)

பாண்டலில் கனம் வழக்கில் மாற்றியில் கனம் எதிரிக்கு 30/01/25 12/02/25 தேதியில் கனம் நீதிமன்ற காவலில் இருந்து வருகிறார். இவ்வழக்கில் புனர் விசாரணை இன்றும் முடியாதபடியால் இருப்பதால் இந்த மாற்றியில் கனம் எதிரிக்கு மேலும் 15 நாட்கள் காவல் நீட்டியு செய்ய உதவுமாறு பணிவுடன் கேட்டுக் கொள்கிறேன்.

Sub Inspector of Police
Musiri Police Station
Tiruchy District

28/2/2025

முசிநி காவல் நிலைய குற்ற எண் 30/2025 வழக்கில் எதிரி மீதான காவல் நீட்டியு அறிக்கைகள்.

அனைத்து எதிரிகள் காமொலி கலந்தாய்வில் மூலமாக ஆஜர்படுத்தப்பட்டனர். 28.02.2025 வரை நீட்டிக்கப்பட்டது.

ஒம்.....14.2.2025. குற்றவியல் நீதித்துறை நடுவர், முசிநி.

உள்ளமை நகல்.

காவல் ஆய்வாளர்,
முசிநி காவல் நிலையம்,
திருச்சிராப்பள்ளி மாவட்டம்.



H.C.P.(MD) No.530 of 2025

WEB COPY

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



H.C.P.(MD) No.530 of 2025

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.52, 53 and 56 of the first Booklet. This illegible copy of remand extension order to the detenu, has impaired his constitutional right to make an effective representation



H.C.P.(MD) No.530 of 2025

against the 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 Cr.M.P.No.05/2025 dated 01.03.2025 passed by the second respondent is set aside. The detenu, viz., Thangamayan, S/o Periya Karuppan, aged about 55 years, 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
CM



WEB COPY



H.C.P.(MD) No.530 of 2025

To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai- 600 009..
2. The District Collector and District Magistrate,
Tiruchirappalli District,
Tiruchirappalli..
3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.530 of 2025



WEB COPY



H.C.P.(MD) No.530 of 2025

C.V. KARTHIKEYAN, J.
AND
R.VIJAYAKUMAR

CM

H.C.P.(MD) No.530 of 2025

15.10.2025