



H.C.P.(MD) No.553 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2025

CORAM:

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

H.C.P.(MD) No.553 of 2025

Ramalakshmanan

... Petitioner

Vs

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

2. The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate, Thoothukudi District.
Thoothukudi..

3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents



H.C.P.(MD) No.553 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India To call for the entire records connected with the detention order of the respondent no.2 in H.S(M) Confdl no. 25/2025 dt. 10.03.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Ramalakshmanan son of Subramanian aged about 27 years, now detained as "GOONDA" at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

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 detenu, Ramalakshmanan S/o. Subramanian aged about 27 years. The detenu has been detained by the second respondent by his order in H.S(M).Confdl.No.25/2025 dated 10.03.2025 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.



H.C.P.(MD) No.553 of 2025

WEB COPY

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 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 at page No.119 furnished to the detenu is illegible. 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 the detenu was remanded on 14.02.2025. But the legible copy of remand order in English version is not furnished to the petitioner. This furnishing of 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 is as follows:



H.C.P.(MD) No.553 of 2025

WEB COPY

14/2/2025
 The name mentioned and furnished before me on 10.5.2025
 on 14/2/2025 was by Mr. Bharathikannan Corde 5072,
 Mr. Padi Corde 1403, Mr. Mayanaga PL 4502.

Hands of arrows right to bail, right to fine, right
 and was explained. The said state that he was
 was they have means to engage counsel in court
 and. The complaint against further. Against the
 there is no criminal offence. Against the, security
 and render the law of right hand. The said state
 that he was caught about four days ago
 in the full down. Against the, character is very good
 of the MS is provided, provided. The said state that
 he was caught as he fell down.

Two on found he was found that the alleged person
 can exclusively be taken by the Police. Court.
 The said is under treatment. Considering all these
 The said is of opinion that there are grounds
 for remanding him and to provide custody.
 Accordingly the said are remanded to police
 custody till 24/2/2025

True Copy
 Inspector of Police
 Madhavaram
 24/2/2025

CERTIFIED COPY OF XEROX
 P. Renuka
 HEAD CLERK
 JUD. MAGISTRATE NO. 1 COURT
 KOVILPATTI.

Pg.



H.C.P.(MD) No.553 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.553 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 non-furnishing of legible copy of the document relied on by the Detaining Authority at Page No.119 of the first Booklet. This illegible copy of remand order to the detenu, has impaired his constitutional right to make an effective representation



H.C.P.(MD) No.553 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 H.S(M) Confdl no. 25/2025 dated 10.03.2025 passed by the second respondent is set aside. The detenu, viz., Ramalakshmanan S/o. Subramanian aged about 27 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.]

16.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



WEB COPY



H.C.P.(MD) No.553 of 2025

To:

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



WEB COPY



H.C.P.(MD) No.553 of 2025

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

CM

H.C.P.(MD) No.553 of 2025

16.10.2025