



HCP(MD)No.782 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

HABEAS CORPUS PETITION(MD)No.782 of 2025

Kaleeswaran

... Petitioner

vs.

1. State of Tamil Nadu Rep by,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.

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

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the respondent No.2 in S.R.No. 18/GOONDA/2025 dated 01.04.2025 and quash the same and direct the respondents to produce the detenu by name Kaleeswaran son of Marisamy aged about 21 years, now detained as Goonda at Madurai



HCP(MD)No.782 of 2025

Central Prison before this Court and set him at liberty forthwith.

WEB COPY

For Petitioner : Dr.R.Alagumani

For Respondents: Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**]

The petitioner is the detenu viz., Kaleeswaran son of Marisamy aged about 21 years. The detenu has been detained by the second respondent by his order in S.R.No.18/GOONDA/2025 dated 01.04.2025, holding him to be a "Goonda", as contemplated under Section 2(f) of 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 respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel appearing for the petitioner would



HCP(MD)No.782 of 2025

submit that the detenu was served with Observation Mahazar annexed in page 8 of Volume-I of the booklet which is not legible. Therefore, the detenu was not able to submit effective representation to reconsider the order of detention. In support of his contention, the learned counsel also relied upon the judgment of the Hon'ble Supreme Court in *Pramod Singla vs. Union of India* reported in *2023 Live Law (SC) 293*.

4. On perusal of the counter affidavit and also the submissions made, it is seen that the detenu is having two adverse case and one ground case. The ground raised by the learned counsel for the petitioner is that the observation mahazar served to the detenu at page 8 of Volume-I of the booklet, is illegible and not readable. Therefore, the petitioner was not able to make effective representation to re-consider the order of detention. The Hon'ble Supreme Court in *Pramod Singla's case (supra)* held that in cases where illegible documents have been supplied to the detenue, a grave prejudice is caused to the detenue in availing his right to send a representation to the relevant authorities, because the detenue, while submitting his representation, does not have clarity on the grounds of his or her detention. In such a circumstance, the



HCP(MD)No.782 of 2025

relief under Article 22(5) of the Constitution of India and the relevant statutory provisions allowing for submitting a representation are vitiated, since no man can defend himself against an unknown threat.

5. The above judgment is squarely applicable to the case on hand. Since the detenu in this case was not served with legible copy of Observation Mahazar, his right to make effective representation to reconsider the order of detention passed against him, is deprived. On this sole ground, the order of detention is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in S.R.No.18/GOONDA/2025 dated 01.04.2025, passed by the second respondent is set aside. The detenu, viz., Kaleeswaran son of Marisamy aged about 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.K.I., J.]

[R.P., J.]



HCP(MD)No.782 of 2025

15.12.2025

Index : Yes / No

Neutral Citation : Yes / No

bala

To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.

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

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.



WEB COPY



HCP(MD)No.782 of 2025

G.K.ILANTHIRAIYAN, J.
AND
R.POORNIMA, J.

bala

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
HCP(MD)No.782 of 2025
DATED : 15.12.2025