



HCP No. 991 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 991 of 2026

Nagendiran

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur District,
Tiruppur District.
3. The Superintendent of Police,
Tiruppur, Tiruppur District.
4. The Superintendent of Prison,
Central Prison- Coimbatore,
Coimbatore District.
5. State rep. by its
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India,
seeking for a Writ of Habeas Corpus, calling for the entire records,



HCP No. 991 of 2026

relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 30.10.2025 on the file of the second respondent herein made in proceedings Cr.M.P.No.90/Goonda/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother namely Siva @ Sivaraman S/o.Marutharaj, aged 29 years before this High Court and set the petitioner's brother at liberty from detention, now the petitioner's brother detained at Central Prison, Coimbatore.

For Petitioner(s):	Mr. D. Akash Kumar for Mr.W.Camyles Gandhi
For Respondent(s):	Mr.C.R. Malarvannan, Counsel for Government of Tamil Nadu (Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The brother of the detenu – Siva @ Sivaraman, aged 29 years, S/o.Marutharaj, has filed this petition challenging the detention order dated 30.10.2025, branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for the petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for the respondents.



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3. The detention order is liable to be quashed for more than one reason. Firstly, we find that the continued detention is illegal as the detenu has been deprived of his right to make effective representation, since page nos. 101, 168 and 208 of the booklet supplied to the detenu is illegible. It is needless to say that furnishing of an illegible copy amounts to non-supply of the document.

4. In this context, it is useful to refer to the following observations of the Hon'ble Supreme Court in the case of '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*'.

“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



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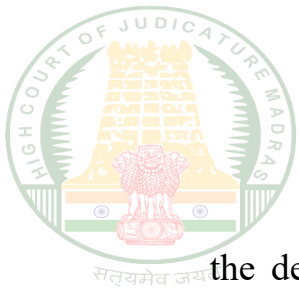


HCP No. 991 of 2026

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 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.”

5. Secondly, we find that the detaining authority has stated that the detenu has not moved any bail application. However, he has stated that there is real possibility of the detenu coming out on bail by filing appropriate bail application. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by



HCP No. 991 of 2026

the detenu, viz., Siva @ Sivaraman, aged 29 years, S/o.Marutharaj, who is now confined in Central Prison, Coimbatore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. For the above mentioned reasons, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Cr.M.P.No.90/Goonda/2025 dated 30.10.2025 is set aside.

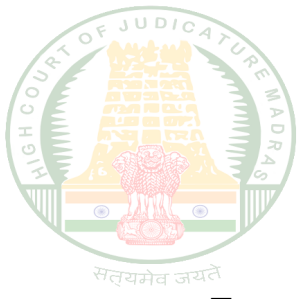
7. The detenu, viz., Siva @ Sivaraman, aged 29 years, S/o.Marutharaj, who is now confined in Central Prison, Coimbatore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy today.



HCP No. 991 of 2026

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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur District,
Tiruppur District.
3. The Superintendent of Police,
Tiruppur, Tiruppur District.
4. The Superintendent of Prison,
Central Prison- Coimbatore,
Coimbatore District.
5. State rep. by its
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
6. The Joint Secretary,
Law and Order Department,
Secretariat,
Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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HCP No. 991 of 2026

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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HCP No. 991 of 2026

29-06-2026

Page7 of 7