Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2026

CORAM

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**AND**

**THE HON'BLE MR. JUSTICE B.KARTHIKEYAN**

HCP.No.1817 of 2026

*CNR: {HCMA012207302026}*

Tamilarasi

..Petitioner(s)

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai – 600 009.

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

3. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

4. The Superintendent,
Central Prison, Vellore.

5. The Inspector of Police,
Tiruvannamalai West Police Station,
Tiruvannamalai District.

..Respondent(s)

**Prayer:** Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Habeas, to call for the entire records from the 2nd respondent in connection with order bearing D.O.No.33/2026-C2, dated 24.06.2026, quash the same and consequently, produce the petitioner's son, namely, Sharma, S/o. Venkatesan, aged 19 years, now confined in Central



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Prison, Vellore, under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner(s) : Mr.S.Prabhu

For Respondent(s) : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

**ORDER**

**(Made by A.D.JAGADISH CHANDIRA, J.)**

The petitioner is the mother of the detenu, viz., Sharma, son of Venkatesan, aged about 19 years. The detenu has been detained by the second respondent by his order in D.O.No.33/2026-C2, dated 24.06.2026, holding him to be a "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Preventive Detention Act,1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner submitted that although the detention order was passed on 24.06.2026 and served on the detenu on 25.06.2026, the paper book containing the connected documents was served only on 01.07.2026, with delay, which prevented the detenu from making an effective representation to the Government at the earliest opportunity, thereby causing an infraction of Section 8(1), *ibid.*, rendering the impugned detention order liable to be set aside.



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3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the paper book was served on the detenu only on 01.07.2026. This is contrary to Section 8(1), *ibid.,* which mandates that the detaining authority should communicate the grounds of detention along with all connected materials (the paper book) to the detenu within a maximum period of five days from the date of detention. For better appreciation, Section 8 (1), *ibid.,* is extracted below:-

> *"When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government."*

5. Hence, we are of the considered opinion that the impugned detention order is vitiated and is liable to be quashed on this ground alone.



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6. In the result, this Habeas Corpus Petition stands **allowed** and the order of detention in D.O.No.33/2026-C2, dated 24.06.2026, passed by the second respondent, is set aside. The detenu, viz., Sharma, son of Venkatesan, aged about 19 years, is directed to be released forthwith unless his detention is required in connection with any other case.

**(A.D.J.C., J.) (B.K., J.)**
**27.10.2026**

skt

Neutral Citation: Yes/No

To:

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai – 600 009.

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

3. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

4. The Superintendent,
Central Prison, Vellore.

5. The Inspector of Police,
Tiruvannamalai West Police Station,
Tiruvannamalai District.

6. The Public Prosecutor,
Madras High Court.



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**A.D.JAGADISH CHANDIRA, J.**
**AND**
**B.KARTHIKEYAN, J.**

skt

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