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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1989 of 2025

Sankar
S/o.Mani,
No.3/8, 6th Cross Street, Ranganathapuram,
Tambaram West, Chennai - 600 045.

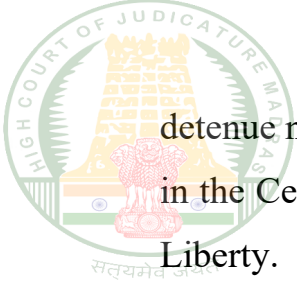
..Petitioner(s)

Vs

1. The State of Tamil Nadu Represented by
The Principal Secretary to Government, Home,
Prohibition and Excise Department, Fort St.
George, Chennai - 600 009.
2. The Commissioner of Police,
Chennai City Police Commissioner Office,
Greater Chennai.
3. The Superintendent,
Central Prison Puzhal, Chennai.
4. The Inspector of Police,
N-9, Valasaravakkam Police Station, Chennai
(Cr.No.417 of 2025)

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a WRIT OF HABEAS CORPUS to call for the entire records connected with the impugned order of detention passed by the 2nd Respondent in NO.625/BBCDEFGISSSV/2025 dated 03.09.2025 and quash the same as illegal and consequently directing the respondents to produce the



detenu namely Tamilarasan @ Tamil, Male, aged 23, S/o.Sankar, now detained in the Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at Liberty.

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For Petitioner(s): Mr.Gokulvisvas C R

For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

(Order of the Court was made by Dr.Anita Sumanth J.)

The father of the detenu viz., Tamilarasan @ Tamil, S/o.Sankar, male, aged 23 years, who has been branded as Goonda under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act), has filed this habeas corpus petition.

2.Learned counsel for the petitioner would submit that the impugned order of the detention is liable to be set aside on two grounds. Firstly, this is a solitary instance and there is no prior offence in the case of the detenu and secondly, some of the pages in the booklet furnished are illegible and overwritten and hence impossible to comprehend.

3. Learned Counsel for Government Of Tamil Nadu (Criminal Side) defends the impugned order of detention pointing out that the offences charged is that the detenu was in possession of 1700 Tapentadol tablets.



4. Having heard both learned counsel and perused the booklet, we find that there are several pages where the writing has been effaced and in some of the portions there is over writing, making the print more unclear than what it originally was. This has certainly deprived the detenu of his right to make an effective representation as several pages in the booklet are incomprehensible. In this regard, we may refer to the judgment of the Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* ((1999) 2 SCC 413), where the relevant observations are as follows:

8. The law relating to preventive detention has been crystallized and the principles are well neigh settled. The amplitude of the safeguard embodied in Art. 22(5) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenue but also to supplying their translation in script or language which is understandable to the detenue. Failure to do so would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making a representation against the order. (See Hadibandhu Das v. District Magistrate, Cuttack & Anr., [1969] 1 SCR 227).

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 merely finds a reference in the order of detention or among the grounds thereof. In such a case, the



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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.

5. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.625/BBCDEFGISSSV/2025 dated 03.09.2025 is set aside.

6. The detenu, viz., Tamilarasan @ Tamil, S/o. Sankar, aged 23 years, now confined in Central Prison, Puzhal, Chennai, is 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.)

11-06-2026

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Index: Yes/No

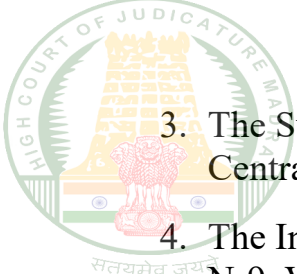
Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today

To

1. The Principal Secretary to Government, Home, Prohibition and Excise Department, Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Chennai City Police Commissioner Office, Greater Chennai.



3. The Superintendent,
Central Prison Puzhal, Chennai.
4. The Inspector of Police,
N-9, Valasaravakkam Police Station, Chennai.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.

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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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