



WEB COPY

HCP No. 2234 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2234 of 2025

Nishanthi.S

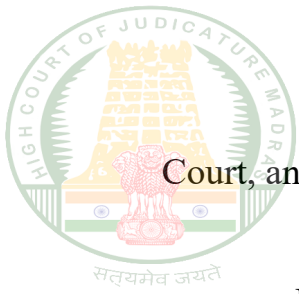
..Petitioner(s)

Vs

1. The State of Tamil Nadu
Represented by its Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
2. The District Collector and District Magistrate,
Villupuram District, Villupuram.
3. The Superintendent of Police,
Villupuram District.
4. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Marakkanam Police Station,
Villupuram.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Habeas Corpus, calling for the records of the detention 18.09.2025 in detention order Rc.No.C2/42/2025 on the file of the Second Respondent herein, and quash the same and direct the Respondents herein to produce the petitioner's son who is the detenu Bharathidasan S/o.Selvam, aged about 22 years who is now confined in Central Prison, Cuddalore before the



Court, and set him at liberty.

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For Petitioner(s):

Mr.S.Saravana Kumar
for Mr.S.Kasirajan

For Respondent(s):

Mr. C.R. Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

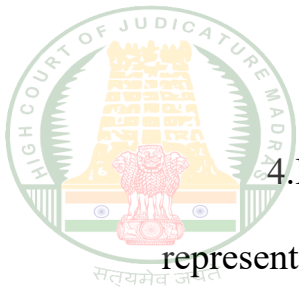
ORDER

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

The mother of the detenu – Bharathidasan, aged 22 years, S/o.Selvam, has filed this petition challenging the detention order dated 18.09.2025, branding him as a ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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

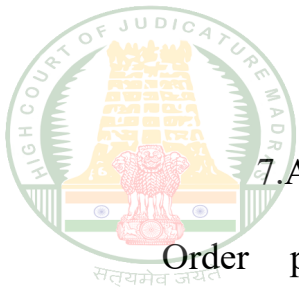
3. The detention order is liable to be set aside on the ground that the translated copy of the Arrest Intimation Form, has not been furnished to the detenu. Admittedly, the detenu is acquainted only with Tamil. It is well settled that if the document is not furnished in the language known to the detenu, his right to make effective representation would be denied.



4. It is also seen that the detenu is deprived of his right to make effective representation, since pages.82, 84 and 86 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.

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

6. Further, in the grounds of detention, the detaining authority has stated that there is a possibility of the detenu coming out on bail, since in a similar case, accused therein has been granted bail by the Principal Sessions Judge, Villupuram, in CMP.No.10059 of 2023. However, 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* without any basis. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. For all the above mentioned reasons, the detention order is liable to be quashed.



7. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order in Re.No.C2/42/2025 dated 18.09.2025 is set aside.

8. The detenu, viz., Bharathidasan, aged 22 years, S/o.Selvam, now confined in Central Prison, Cuddalore, 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.)
02-06-2026

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

TSG

Note: Issue order copy today.

To

1. The State of Tamil Nadu
Represented by its Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai – 600 009.
2. The District Collector and District Magistrate,
Villupuram District,
Villupuram.
3. The Superintendent of Police,
Villupuram District.



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4. The Superintendent of Prison,
Central Prison,
Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Marakkanam Police Station,
Villupuram.
6. The Public Prosecutor,
Madras High Court.
7. 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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