



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2268 of 2025

Parvathy
W/o.Dhanapal,
No.28, Morarji Desai Street,
Choolaipallam, MGR nagar, Chennai-600 078

..Petitioner(s)

Vs

1. State of Tamilnadu rep by Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police Greater,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. State rep by the Inspector of Police
R-10, MGR Nagar Police station,
Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a writ of habeas Corpus or any other appropriate order or direction, calling for the records of the 2nd respondent pertaining to the order



made in Memo No.690/BBCDEFGISSSV/2025 dated 13.09.2025 in detaining the detenue under the Tamilnadu Act 14/1982 as a brand of GOONDA OFFENDER and quash the same and direct the respondents to produce the detenue, the petitioner's grandson Natarajan @ Danny, Son of Karthik aged 23 years who is detained at the Central Prison Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.Karthick.S

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 grand-mother of the detenu viz., Natarajan @ Danny, S/o.Karthik, 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 the sole ground that the booklet furnished to the detenu is incomplete in that, pages 106 to 110 are missing.

3.Heard the learned counsel for Government of Tamil Nadu (Criminal Side).



4. We have called for the booklet which is in possession of the learned counsel for the petitioner and find that page 105 is an order passed in CrI.M.P.No.8084 of 2025 by the Chennai Principal Sessions Judge. The second page of the order is missing, as is the entirety of the English version of the order.

5. Since the detaining authority has relied upon the aforesaid order in the order of detention to support his subjective satisfaction that the detenu may be enlarged on bail, we are of the considered view that this would have certainly stood in the way of the detenu to appreciate the case against him and put forth a proper defence.

6. 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**' reported in '**(1999) 2 SCC 413**'. 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



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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 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.”

7. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.690/BBCDEFGISSSV/2025, dated 13.09.2025 is set aside.

8. The detenu, viz., Natarajan @ Danny, S/o. Karthik, 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.)
04-06-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue today.



To

1. The Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police Greater,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police
R-10, MGR Nagar 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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