



WEB COPY



HCP No. 2488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2488 of 2025

Beebi John

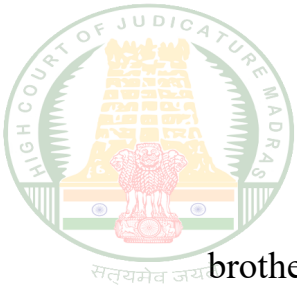
..Petitioner(s)

Vs

1. The Addl Chief Secretary to the Government
Home, Prohibition and Excise (XVI)
Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal-II,
Chennai District.
4. The Inspector of Police,
(Law and Order),
R-9, Valasaravakkam Police Station,
Chennai 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 connected with the detention order in No.840/BBCDEFGISSSV/2025 dated 25.10.2025 on the file of the respondent No.2 and quash the same and direct the respondents to produce the person of petitioner cousin



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brother one named Thiru.Thirunambi Musthafa @ Aswitha S/o.Mohamed Ali aged about 30 years now confined at Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner(s): Mr.P.Muthamizhselvakumar

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 cousin sister of the detenu – Thirunambi Musthafa @ Aswitha, aged 30 years, S/o.Mohamed Ali, has filed this petition challenging the detention order dated 25.10.2025, 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 (Crl.Side) for respondents.



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3. The learned counsel for the petitioner would submit that the impugned order of detention has to be set aside for the reason that the Government Order delegating the power of detention to the 2nd respondent herein has not been enclosed in the booklet provided to the detenu, thereby denying the detenu to make an effective representation against the detention order.

4. The learned counsel for Government of Tamil Nadu (Crl.Side) for respondents, would fairly concede that the Government Order was not furnished to the detenu.

5. It is seen from the booklet that the Government Order has not been furnished to the detenu. It is well settled that if the relied upon documents are not furnished to the detenu, his right to make effective representation would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of relevant documents to the detenu renders the detention illegal.



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6. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order in No.840/BBCDEFGISSSV/2025 dated 25.10.2025 is set aside.

7. The detenu, viz., Thirunambi Musthafa @ Aswitha, aged 30 years, S/o.Mohamed Ali, 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.)
30-06-2026

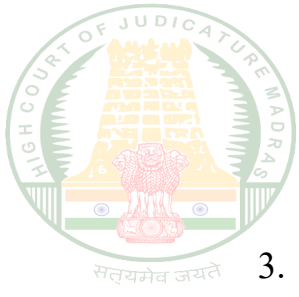
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy today

To

1. The Addl Chief Secretary to the Government
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.



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3. The Superintendent of Prison,
Central Prison, Puzhal-II,
Chennai District.
4. The Inspector of Police,
(Law and Order),
R-9, Valasaravakkam Police Station,
Chennai District.
5. The Joint Secretary,
Law and Order Department, Secretariat,
Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

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