



WEB COPY

HCP No. 2621 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2621 of 2025

Vanitha

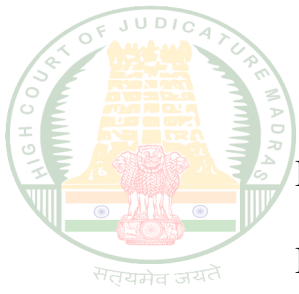
..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector,
Thiruvallur District.
3. The Superintendent of Police,
Tiruvallur District.
4. The Superintendent,
Central Prison II, Puzhal, Chennai.
5. The Inspector of Police,
Gummidipoondi PEW Police Station,
Tiruvallur 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 leading to the detention of the detenu namely Ilayaraja, M/a.36 Years, S/o Murugan vide detention order dated 26.10.2025 on the file of the 2nd respondent herein made in the proceedings in detention order No.39/2025 and quash the same and consequently direct the respondents herein to produce the detenu at liberty from Central Prison II, Puzhal, Chennai.



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For Petitioner(s):

Mr.R.Thamarai Selvan

For Respondent(s):

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

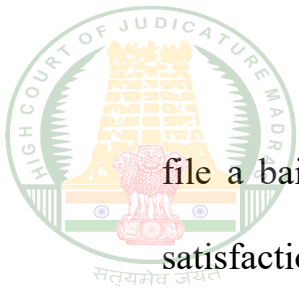
ORDER

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

The wife of the detenu – Ilayaraja, aged 36 years, S/o.Murugan, has filed this petition challenging the detention order dated 26.10.2025, branding him as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.

3.The impugned order of detention is liable to be quashed for more than one reason. Firstly, it is seen from the grounds of detention that the detenu was in remand when the detention order was passed; and that he did not file any bail application. The detaining authority, however, had relied upon an order in a similar case to infer that the detenu is likely to be released on bail. Admittedly, there is no material whatsoever furnished to arrive at the satisfaction that the detenu or his relative is taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to

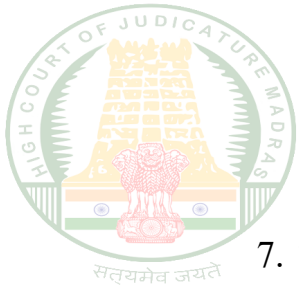


file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated.

4. Secondly, we find that Page Nos.33 and 34 of the booklet supplied to the detenu, which contains the description of the seized articles, has not been translated in Tamil. Admittedly, the detenu is acquainted only with Tamil and has studied only up to sixth standard. 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. 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 in the language known to the detenu renders the detention illegal.

5. Thirdly, while referring to the order in the similar case, the detaining authority has referred to it as anticipatory bail order, though it is only a bail order. This shows the non-application of mind on the part of the detaining authority. For the above said reasons, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order No.39/2025 dated 26.10.2025 is set aside.



7. The detenu, viz., Ilayaraja, aged 36 years, S/o.Murugan, who is now confined in Central Prison-II, Puzhal, Chennai – 600 066, is hereby 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.)
02-07-2026

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

TSG

Note: Issue order copy today.

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector,
Thiruvallur District.
3. The Superintendent of Police,
Tiruvallur District.
4. The Superintendent,
Central Prison II, Puzhal, Chennai.
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Gummidipoondi PEW Police Station,
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6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7. The Public Prosecutor,
High Court, Madras.

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

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