



WEB COPY

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. 2518 of 2025

Jeenath
W/o.Anandaraj,
No.54/58, Srinivasapuram,
2nd Street, Vannarapettai,
Chennai - 600 021.

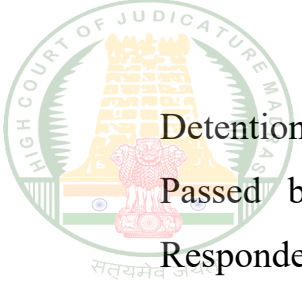
..Petitioner(s)

Vs

1. State of Tamil Nadu, Represented by
Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai District.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
H-6, Dr.R.K.Nagar Police Station,
Crime No.600 of 2025,
Chennai District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue issue a writ of Habeas Corpus or any other appropriate Writ, or order, or direction, in the nature of the Writ Calling for the records relating to the



Detention order vide Memo No.846/BBCDEFGISSSV/2025 Dated 25-10-2025 Passed by the second Respondent and quash the same and direct the Respondents herein to produce Petitioner's Husband namely ANAND @ ANANDARAJ, Male/Aged About 33 Years, S/o.Velu (who is now confined in Central Prison, Puzhal) before the Hon'ble Court, and set him at liberty.

For Petitioner(s): Mr.P.Krishnakumar

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

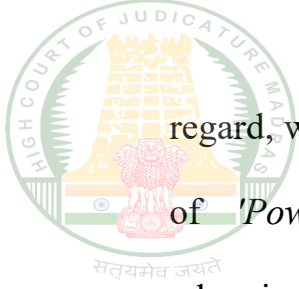
(Order of the Court was made by Dr.Anita Sumanth J.)

The wife of the detenu viz., Anand @ Anandaraj, S/o. Velu, aged 33 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 challenging detention order dated 25.10.2025.

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 detaining authority had relied upon the confession statements of the accused furnished at pages 61 to 68 and 167 of the booklet, that are illegible.

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

4. We have carefully perused the booklet containing the relied upon documents and find that the confession statements are indeed illegible. This has deprived the detenu of his right to make an effective representation and 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

wherein the relevant observations are:

*“8. The law relating to preventive detention has been crystallized and the principles are well nigh 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 detenu but also to supplying their translation in script or language which is understandable to the detenu. 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 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. Secondly, the subjective satisfaction of the detaining authority in opining that the detenu may be enlarged on bail is vitiated for the reason that he



relies upon an order passed in Crl.M.P.No.565 of 2023 dated 06.06.2023 by the Additional District Judge and Presiding Officer (FAC), Special Court under E.C. & NDPS Act cases, Salem. His inference, is however, misplaced as the offences that arose for consideration in that case do not include offence under the Tamil Nadu Prohibition of Harassment of Women Act, as in the present case.

6. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is only mere ipse dixit.

7. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.846/BBCDEFGISSSV/2025, dated 25.10.2025 is set aside.

8. The detenu, viz., Anand @ Anandaraj, S/o. Velu, aged 33 years, 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

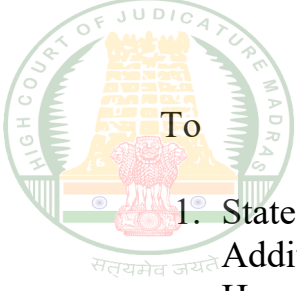
vs

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry : Issue Today.



To

1. State of Tamil Nadu, Represented by
Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai, Chennai District.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
H-6, Dr.R.K.Nagar Police Station,
Crime No.600 of 2025,
Chennai District.
5. The Joint Secretary to Government
Public (Law and Order),
Fort St.George, Chennai – 9.
6. The Public Prosecutor,
High Court, Madras.



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

VS

HCP No. 2518 of 2025

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