



HCP No. 2535 of 2025

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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. 2535 of 2025

Dasthagir

..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Magistrate and District Collector,
Office of the District Magistrate and District
Collector, Tiruppur District,
Tiruppur.
3. The Superintendent of Police,
Tiruppur District.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Inspector of Police,
Palladam Police Station,
Tiruppur District,
Crime No.1020 of 2025.

..Respondent(s)



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Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records in Cr.M.P.No.91/GOONDA/2025 dated 30.10.2025, on the file of the 2nd respondent and quash the same and direct the respondents herein to produce petitioners son Irfan Sherif, Aged 34 yrs, S/o, Dastagir, who is now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner(s): Mr.S.Silambuselvan

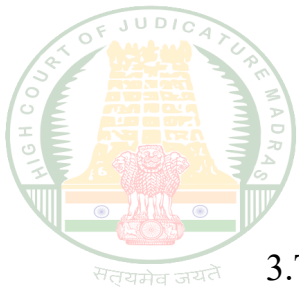
For Respondent(s): Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

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

The father of the detenu – Irfan Sherif, aged 34 years, S/o. Dasthagir, has filed this petition challenging the detention order dated 30.10.2025, branding him as ‘Goonda’ under Section 2(f) 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.



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3.The impugned order of detention is liable to be quashed for more than one reason. The detaining authority has stated in the grounds of detention that the detenu is in remand; that he has not moved any bail application; and that there is a possibility of him coming out on bail in future. 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*. 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 the Arrest Intimation which is furnished to the detenu does not appear to be a correct document as neither the signature of the accused nor that of the witness is found in the said intimation. Therefore, the Detaining Authority ought not to have relied upon such a document.

5.Thirdly, we find that Page No.11 of the booklet supplied to the detenu is illegible. This amounts to non furnishing of document, which would deprive the detenu of his right to make effective representation.



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

“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.

..... 16. For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We,



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therefore, direct that the detenu be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

For all the above said reasons, the impugned order is liable to be quashed.

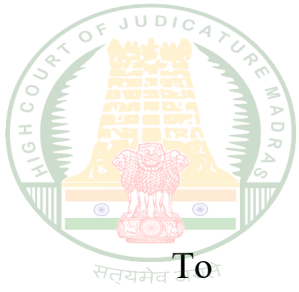
7.In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Cr.M.P.No.91/GOONDA/2025 dated 30.10.2025, is set aside.

8. The detenu, viz., Irfan Sherif, S/o. Dasthagir, aged 34 years, who is now confined in Central Prison, Coimbatore, 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



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- To
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Rep. By its Secretary,
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 2. The District Magistrate and District Collector,
Office of the District Magistrate and
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 3. The Superintendent of Police,
Tiruppur District.
 4. The Superintendent of Prison,
Central Prison,
Coimbatore.
 5. The Inspector of Police,
Palladam Police Station,
Tiruppur District,
Crime No.1020 of 2025.
 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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