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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2717 of 2025

Selvi

W/o.Balasubramanian,

No.9A, Goodshed Street, Thiruthuraipoondi,

Tiruvarur District - 641 713.

..Petitioner(s)

Vs

1. The State of Tamil Nadu Rep By Its,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and
District Magistrate, Tiruvarur District, Tiruvarur.
3. The Superintendent of Prison,
Central Prison, Tiruchirappalli.
4. The Superintendent of Police,
Tiruvarur District.
5. The Inspector of Police,
Tiruthuraipoondi Police Station, Tiruvarur.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a writ order or direction and in particular to issue a WRIT OF HABEAS CORPUS calling for the entire records pertaining to the detention order passed by the 2nd respondent in C.O.C.NO.25/2025 Dated 09.09.2025 and



set aside the same and direct the respondents to produce the petitioner's son namely Bharath s/o.Balasubramanian, aged about 28 years, who is now confined in Central Prison, Tiruchirappalli, before this Hon'ble Court and set him at Liberty.

For Petitioner(s): Ms.K.Dhivyashree

For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(criminal Side)

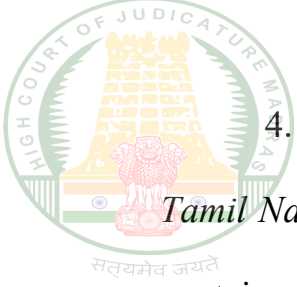
Order

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

The mother of the detenu viz., Bharath, S/o.Balasubramanian, male, aged 28 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. Several grounds have been raised on behalf of the petitioner and we find that this HCP is to be allowed on the following grounds.

3. Firstly, it is right that the arrest intimation issued to the convict relating to the ground case as well as the arrest intimation issued in the adverse cases, placed at pages 10, 55 and 83 of the booklet furnished contain substantial entries in English and has not been translated in the language known to the detenu. Secondly, the documents placed at pages 4, 13, 77, 86 and 95 of the booklet furnished are unclear.



4. The Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* (1999) 2 SCC 413) has settled the position that the booklet should contain documents that are legible and in the language understood by the detenu. 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 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. In the present case, both the conditions had been breached. We are hence of the view that the detenu has not been afforded sufficient opportunity to defend himself.

6. Thirdly, the subjective satisfaction of the detaining authority is really no subjective satisfaction at all for two reasons. Firstly, the bail application filed by the detenu has been dismissed and admittedly no bail application has been filed thereafter. Despite this, the authority goes on to state that he believes that the detenu would be enlarged on bail for which there is no basis at all. There is no statement that has been recorded from the relatives of the detenu and hence the same is 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 C.O.C.No.25/2025, dated 09.09.2025 is set aside.

8. The detenu, viz., Bharath, S/o. Balasubramanian, aged 28 years, now confined in Central Prison, Tiruchirapalli, 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.)
08-06-2026

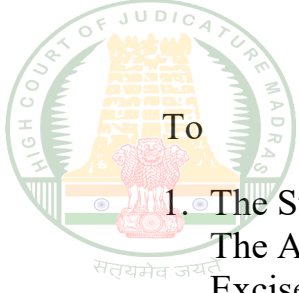
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Index: Yes/No

Speaking order

Neutral Citation: Yes

Note: Registry is directed to issue a copy of this order today.



To

1. The State of Tamil Nadu Rep By Its,
The Additional Chief Secretary to Government, Home, Prohibition and
Excise Department, Secretariat, Chennai - 600 009.
2. The District Collector and
District Magistrate, Tiruvarur District, Tiruvarur.
3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
4. The Superintendent of Police,
Tiruvarur District.
5. The Inspector of Police,
Tiruthuraipoondi Police Station, Tiruvarur.
6. The Public Prosecutor,
High Court of Madras.
7. 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.

SL

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