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HCP No. 400 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 400 of 2026

Priya

W/o.Ajithkumar,

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai - 600 009.
2. District Collector and District Magistrate,
Tirupathur District, Tirupathur.
3. The Superintendent of Police,
Tirupathur District, Tirupathur.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of Constitution of India to issue a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ to call for the records in connection with the order of Detention passed by the second respondent dated 06.02.2026 in C3/D.O.No.10/2026 against the petitioner's Husband Ajithkumar, Male aged 29 years, S/o.Kumar, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detinue before this Court and set him at liberty.



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For Petitioner(s):

Mr.D.Balaji

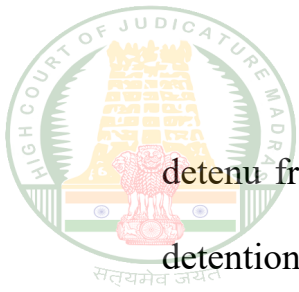
For Respondent(s):

Mr.M.Mohamed Riyaz
Government Advocate (Crl.side)**ORDER****(Order of the Court was made by N.Sathish Kumar J.)**

The petitioner, who is the wife of the detenu Ajithkumar, male, aged 29 years, S/o.Kumar, has come forward with this petition challenging the detention order passed by the second respondent dated 06.02.2026 in C3/D.O.No.10/2026 on her husband, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

3.Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner mainly focussed his argument on the ground that some of the pages in the booklet supplied to the detenu is illegible, which prevented the



detenu from making an effective representation against the impugned order of detention.

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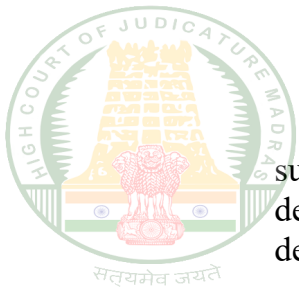
4.The said submission made by the learned counsel appearing for the petitioner has not been disputed by learned Government Advocate (Crl.side).

5.A perusal of the booklet supplied to the detenu would show that the confession statement at Pages No.16 and 17 of Volume II of the booklet are illegible. As such, we find that the furnishing of the illegible copies would prejudice the detenu in making an effective representation against the impugned order of detention, dated 06.02.2026.

6.Hon'ble Supreme Court in *State of Manipur Vs. Buyamayum Abdul Hanan* reported in (2022) 19 SCC 509 has held that supply of the illegible copy of documents which has been relied upon by the detaining authority has deprived the detenu in making an effective representation. Relevant paragraphs of Hon'ble Supreme Court are paragraphs 22 and 23 and the same read as follows:

'22. Thus, the legal position has been settled by this Court that the right to make representation is a fundamental right of the detenu under Article 22(5) of the Constitution and supply of the illegible copy of documents which has been relied upon by the detaining authority indeed has deprived him in making an effective representation and denial thereof will hold the order of detention illegal and not in accordance with the procedure contemplated under law.

23. It is the admitted case of the parties that Respondent 1 has failed to question before the detaining authority that illegible or blurred copies were supplied to him which were relied upon while passing the order of detention, but the right to make representation being a fundamental right under Article 22(5) of the Constitution in order to make effective representation, the detenu is always entitled to be



supplied with the legible copies of the documents relied upon by the detaining authority and such information made in the grounds of detention enables him to make an effective representation. '

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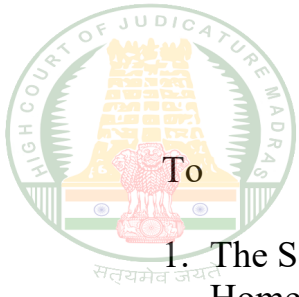
Therefore, we are inclined to set aside the impugned detention order on the ground that supply of illegible copies of documents relied on by the detaining authority has caused prejudice to the detenu in making an effective representation against the impugned order of detention.

7. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 06.02.2026 in C3/D.O.No.10/2026 is hereby set aside. The detenu Ajithkumar, male, aged 29 years, S/o.Kumar, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
19-08-2026

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

gpa



To

1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai - 600 009.
2. District Collector and District Magistrate,
Tirupathur District, Tirupathur.
3. The Superintendent of Police,
Tirupathur District, Tirupathur.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.
6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor
High Court, Madras.



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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

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