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HCP No. 403 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. 403 of 2026

Thenmozhi
W/o.Kishore,
New Street, Kannamangalam,
Arni Taluk, Tiruvannamalai District.

..Petitioner(s)

Vs

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

..Respondent(s)



Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 10.02.2026 in D.O/06/2026-C2 against the petitioner's husband Kishore, male, aged 23 years S/o.Ravi, who is Confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

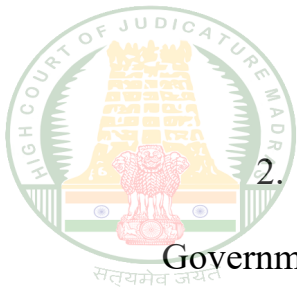
For Petitioner(s): Mr.D.Balaji

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

(made by N.Sathish Kumar J.)

The petitioner, who is the wife of the detenu Kishore, male, aged 23 years S/o.Ravi, has come forward with this petition challenging the detention order passed by the second respondent dated 10.02.2026 in D.O/06/2026-C2 branding him as "Goonda" 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.

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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 the Page Nos.4 and 5 in Volume-I of the booklet supplied to the detenu are illegible, which prevented the detenu from making an effective representation against the impugned order of detention. Thus, the detention order is vitiated and the same is liable to be quashed.

4. The said submission made by learned counsel appearing for the petitioner has not been disputed by learned Additional Public Prosecutor.

5. A perusal of the booklet supplied to the detenu would show that Page Nos.4 and 5 in Volume-I 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.

6. The 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.

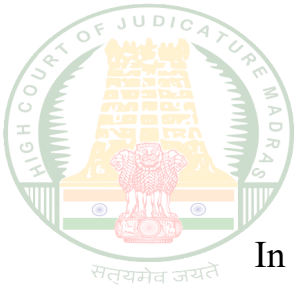
Relevant paragraphs of the said judgment read as follows:

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“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.”

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.

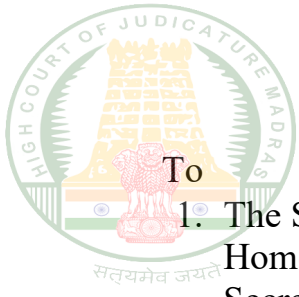


In the result, this habeas corpus petition is allowed and the detention order passed by the second respondent dated 10.02.2026 in D.O/06/2026-C2 is hereby set aside and the detenu Kishore, male, aged 23 years S/o.Ravi, is directed to be set at liberty forthwith unless he is required in connection with 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

nsd



To

1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat,
Chennai-600 009.

2. District Collector and District Magistrate of
Tiruvannamalai District,
Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
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Central Prison,
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5. The Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.
6. The Public Prosecutor,
Madras High Court, Chennai.



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