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HCP No. 562 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 562 of 2026

Kamatchi
W/o.Palanisamy,

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
The Additional Chief Secretary to Government,
(Home),
Prohibition and Exercise Department,
Secretariat,
Chennai - 600 009.
2. The District Magistrate and District Collector
Salem District,
Salem.
3. The Superintendent of Police,
Salem District,
Salem.
4. The Superintendent of Prison
Central Prison, Salem,
Salem District.
5. The Inspector of Police,
AWPS-Mettur Police Station,
Salem District.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of Constitution of
India to issue a Writ of Habeas Corpus to call for the records pertaining to the



order of detention passed in his proceedings in C.M.P.NO.27/SEXUAL OFFENDER/C2/2025 dated on 16.12.2025 passed by the 2nd respondent and set aside the same and direct the respondents to produce the petitioner's brother by name Mayilsamy, son of Settu, aged about 34 years before this Court, now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr.C.Deepak Kumar

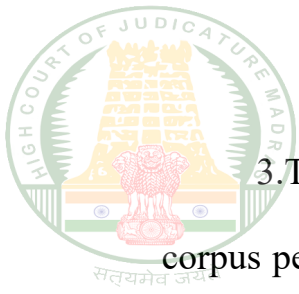
For Respondent(s): Mr.Mohamed Riyaz
Government Advocate Crl.side

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner, who is the sister of the detenu Mayilsamy, male, aged about 34 years, S/o.Settu, has come forward with this petition challenging the detention order passed by the second respondent dated 16.12.2025 in C.M.P.No.27/Sexual Offender/C2/2025 slapped on her brother, branding him as "Sexual 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 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 Government Advocate (Crl.side).

5. A perusal of the booklet supplied to the detenu would show that Page No.49 in Volume I of the booklet is 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 16.12.2025.

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



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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.

7. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 16.12.2025 in C.M.P.No.27/Sexual Offender/C2/2025 is hereby set aside. The detenu Mayilsamy, male, aged about 34 years, S/o.Settu, 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.)
17-08-2026

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



To

1. The Additional Chief Secretary to Government, (Home),
Prohibition and Exercise Department,
Secretariat,
Chennai - 600 009.
2. The District Magistrate and District Collector
Salem District,
Salem.
3. The Superintendent of Police,
Salem District,
Salem.
4. The Superintendent of Prison
Central Prison, Salem,
Salem District.
5. The Inspector of Police,
AWPS-Mettur Police Station,
Salem 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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