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HCP No. 754 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 754 of 2026

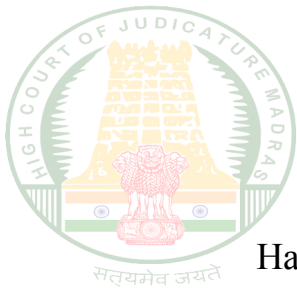
R. Balakrishnan
S/o.Rajagopalan,
No. 17, 23rd Street Extension,
Thillai Ganga Nagar,
Naganallur, Chennai 600 061.

..Petitioner(s)

Vs

1. The State of Tamil Nadu represented by its
Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Police
Avadi City, Avadi, Chennai 600 054.
3. The Superintendent
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police
Land Dispute Team-V,
Central Crime Branch, Avadi City.

..Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of India to call for the records of the second respondent herein pertaining to the detention order made in No.03/TNPD/APC/2026 dated 09.01.2026 and quash the same and direct the respondents to produce the body of the detenu viz. Arivu Nambi, S/o.Balakrishnan, aged about 43 years, now detained in Central Prison, Puzhal, Chennai before this Court and set the detenu at liberty forthwith.

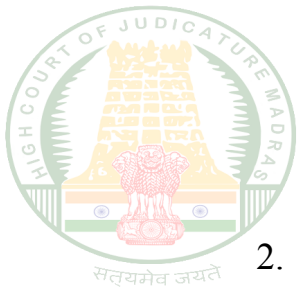
For Petitioner(s): Mr.P.Prabhakaran

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

ORDER

(made by N.Sathish Kumar J.)

The petitioner, who is the father of the detenu Arivu Nambi, S/o.Balakrishnan, aged about 43 years, has come forward with this petition challenging the detention order passed by the second respondent in Memo No.03/TNPD/APC/2026 dated 09.01.2026 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.

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.193 and 194 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 Nos. 193 and 194 in 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.

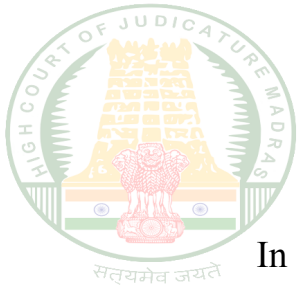
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Relevant paragraphs of the said judgment read as follows:

“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.”

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.

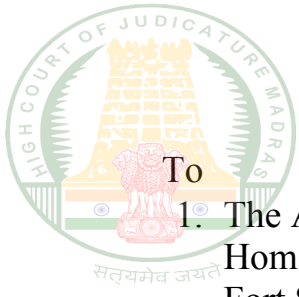


In the result, this habeas corpus petition is allowed and the detention order passed by the second respondent dated 09.01.2026 in Memo No.03/TNPD/APC/2026 is hereby set aside and the detenu Arivu Nambi, S/o.Balakrishnan, aged about 43 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
18-08-2026

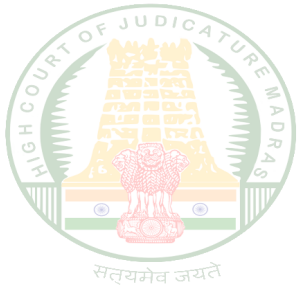
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

nsd



To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Police
Avadi City,
Avadi,
Chennai 600 054.
3. The Superintendent
Central Prison,
Puzhal,
Chennai.
4. The Inspector of Police
Land Dispute Team-V,
Central Crime Branch,
Avadi City.
5. The Public Prosecutor,
Madras High Court, Chennai.



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AND
K.RAJASEKAR J.**

nsd

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