



WEB COPY

HCP No. 757 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 757 of 2026

Palanisamy
S/o.Ponnusamy,
Door No.11/9,
Senkattupatti,
Sundakattupatti Post,
Gundurnadu, Kolli Hills Taluk,
Namakkal District.

...Petitioner/Son of the
detenu

Vs

1. The State of Tamilnadu,
Rep by Its Secretary to Government
Home, Prohibition Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Namakkal District.
3. The Superintendent of Police,
Namakkal District.
4. The Superintendent,
Central Prison, Salem.
5. The Inspector of Police,
Prohibition Enforcement Wing,
Namakkal, Namakkal District.

...Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records pertaining to the impugned order dated 28.09.2025 in C.M.P.No.85/Bootlegger/2025(M1) detaining the detenu Ponnusamy, S/o.Muthan as a Bootlegger under Tamil Nadu Act 14/1982 and set aside the same and direct the respondent to produce the said detenu now detained in the Central Prison, Salem before this Court and set him at liberty.

For Petitioner: Mr.M.Sudhan

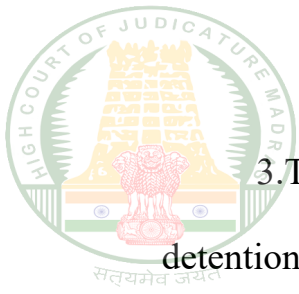
For Respondents: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The son of the detenu – Ponnusamy, S/o.Muthan, aged 57 years, has filed this petition challenging the detention order dated 28.09.2025, branding him as ‘Bootlegger’ under Section 2(b) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.



3. Though several grounds have been raised, the impugned order of detention is liable to be quashed on the sole ground that the detaining authority has relied upon extraneous materials to conclude that the detenu is in remand.

4. In paragraph No.4 of the grounds of detention, the detaining authority has observed that the remand was extended up to 06.10.2025. However, the remand extension order reveals that the remand was extended till 10.10.2025. Thus, there is total non-application of mind on this aspect and hence, on this ground alone, the impugned order of detention is liable to be quashed.

5. That apart, we also note that the arrest intimation is undated and an improper translation of column No.8 of the arrest intimation form has been furnished to the detenu in Tamil. It is well settled that if the relied upon documents are not furnished in the language known to the detenu, his/her right to make effective representation would be denied. In *'Powanammal Vs. State of Tamil Nadu'* reported in *'(1999) 2 SCC 413'*, the Hon'ble Supreme Court had held that non-supply of relevant documents in the language known to the detenu renders the detenu's detention illegal.

6. In light of the aforesaid discussions, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.85/Bootlegger/2025(M1) dated 28.09.2025 is set aside.



7. The detenu, viz., Ponnusamy, S/o.Muthan, aged 57 years, who is now confined in Central Prison, Salem, is hereby 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.)
10-06-2026

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

dk/ars

To

1. The Secretary to Government,
Home, Prohibition Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Namakkal District.
3. The Superintendent of Police,
Namakkal District.
4. The Superintendent,
Central Prison, Salem.
5. The Inspector of Police,
Prohibition Enforcement Wing,
Namakkal, Namakkal District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.
dk/ars

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