



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 784 of 2026

Vairamani
W/o.Vengatesh,
No.3, Idumban District,
Thirumalagiri, Salem District.

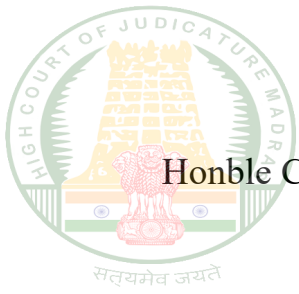
..Petitioner(s)

Vs

1. The State of Tamil Nadu,
The Secretary to Government (Home),
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Prison,
Central Prison,
Salem, Salem District.
4. The Inspector of Police
Sooramangalam Police Station,
Salem District.

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for 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.97/Goonda/Salem City/2025 dated on 03.12.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioners son by name Gundettu @ Nandakumar, S/o Venkatesh aged about 30 years before this



Honble Court now confined in Central prison Salem and set him at liberty.

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For Petitioner(s):

Mr. C.Deepakkumar

For Respondent(s):

Mr. M. Mohamed Riyaz,
Government Advocate (Crl. Side)

ORDER

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

The order of detention passed by the second respondent in C.M.P.No.97/Goonda/Salem City/2025 dated on 03.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate 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 page No.84 in Volume I supplied to the detenu is 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.

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5. A perusal of the booklet supplied to the detenu would show that page No.84 in Volume I supplied to the detenu 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 03.12.2025.

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 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



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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. '

7. 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.

8. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C.M.P.No.97/Goonda/Salem City/2025 dated on 03.12.2025 is hereby set aside. The detenu Gundettu @ Nandakumar, S/o Venkatesh, Male, aged 30 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.)
14-08-2026

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

Note to Office: Registry to communicate this order to Jail authorities in Central Prison, Salem, forthwith.



To

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1. The State of Tamil Nadu,
The Secretary to Government (Home),
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Prison,
Central Prison,
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Sooramangalam Police Station,
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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

SSI/ stn

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