



WEB COPY

HCP No. 1752 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1752 of 2025

Ponnamal
W/o.Rajeshkannan,
No.69, Mariyamman Kovil Street,
Thimmasamudhiram Village,
Kancheepuram Taluk and District.

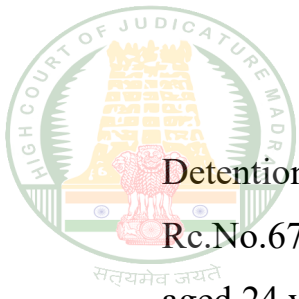
..Petitioner(s)

Vs

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

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ call for the records in Connection with the order of



Detention passed by the second respondent dated 13.08.2025 in Rc.No.678/2025/M6 D.No.29/2025 against the petitioner Son Kaviyarasu, Male aged 24 years S/o.Rajeshkannan, who is Confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at Liberty and pass such further or other orders as this Hon'ble Court.

For Petitioner(s): MR. P.Raman

for Mr. D.Balaji

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr.M.Sylvester John

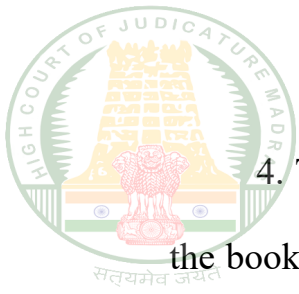
ORDER

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

The mother of the detenu viz., Kaviyaraau, S/o.Rajeshkannan, male, aged 24 years, who has been branded as Goonda under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act), has filed this habeas corpus petition.

2.Learned counsel for the petitioner would submit that the impugned order of the detention is liable to be set aside on the sole ground that detaining authority had relied upon the complaint lodged by the victim which is furnished in the Booklet and the said document at pages 9 to 11, is illegible.

3.Heard the learned Additional Public Prosecutor.



4. This Court finds that the complaint is furnished in page Nos.9 to 11 of the booklet furnished to the detenu and the same is illegible. This has deprived the detenu of his right to make an effective representation. In this regard, we may refer to the judgment of the Hon'ble Supreme Court in the case of '**Powanammal Vs. State of Tamil Nadu**' reported in '**(1999) 2 SCC 413**'. The relevant observations are as follows:

*“8. The law relating to preventive detention has been crystallized and the principles are well nigh settled. The amplitude of the safeguard embodied in Art. 22(5) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenu but also to supplying their translation in script or language which is understandable to the detenu. Failure to do so would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making a representation against the order. (See **Hadibandhu Das v. District Magistrate, Cuttack & Anr.**, [1969] 1 SCR 227).*

9. However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the



document in the language known to and understood by the detenu, should the document be in a different language.”

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5. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Rc.No.678/2025/M6, D.No.29/2025 dated 13.08.2025 is set aside.

6. The detenu, viz., Kaviyarasu, S/o. Rajeshkannan, aged 24 years, now confined in Central Prison, Puzhal, Vellore, is 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.)

16-03-2026

vs

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today.

To

1. The Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. District Collector and District Magistrate of
Kancheepuram District, Kancheepuram.



3. The Superintendent of Police,
Kancheepuram District, Kancheepuram.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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