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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2271 of 2025

P.Selvi
W/o.Perumal,
Rajiv Gandhi Nagar,
Vallam Village,
Chengalpet District.

..Petitioner(s)

Vs

1. State represented by its
Home Secretary to the Government of
Tamilnadu,
Home Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Magistrate and District Collector,
District Collectorate,
Kallakurichi-606 202.
3. The Superintendent Of Police,
Office of the Superintendent of Police,
Kallakurichi, Kallakurichi District-606 202.
4. The Inspector Of Police,
Sankarapuram Police Station,
Kallakurichi District-606 401.
5. The Superintendent Of Prison,
Central Prison,
Trichy-620020.

..Respondent(s)



Prayer: Habeas Corpus petition filed under article 226 of Constitution of India for issuance of a Writ or Order or Direction in the nature of Writ of Habeas Corpus and call for the records in relating to the order of Detention passed by the 2nd respondent dated 23.08.2025 in D.O.No.C2/24/2025 against the petitioner's son the Detenu Vignesh, Male, aged about 30 years, S/o.Perumal, TPDA No.4620 who was confined at Central Prison, Cuddalore and at present transferred to the Central Prison, Trichy and now confined at Central Prison, Trichy and set aside the same and direct the respondents to produce the detainee before this Honble Court and set him at liberty.

For Petitioner(s): Mr.T.Perinbanathan

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

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The wife of one -Vignesh, s/o Perumal, detained under order dated 23.08.2025 and confined at Central Prison, Cuddalore, has approached this Court challenging order dated 23.08.2025 detaining him at Central Prison, Cuddalore, branded the detenu as a 'Goonda' under Act 14 of 1982.

2.We have heard both learned counsel for the petitioner and learned learned Additional Public Prosecutor.



3. We find from a perusal of the booklet, several legal flaws that arise in the passing of the impugned detention order. The first is that the arrest intimation has not been translated to Tamil. Seeing as learned Additional Public Prosecutor would accede to the position that the detenu is conversant only in Tamil, it is necessary that the arrest intimation ought to have been supplied to him in a language that he comprehends in order that he may put forth a valid defence. This is a first flaw.

4. That apart, though the grounds of detention have been supplied to the petitioner on 24.08.2025, the date after the detention, the booklet containing the supporting documents have, admittedly been supplied to the petitioner only on 01.09.2025. Section 8 of Act 14 of 1982 stipulates that the grounds of detention have to be served on the detenu not later than 5 days from detention.

5. Evidently, the grounds would have to accompany the supporting material on the basis of which the order of detention has been passed, to enable the detenu to put up an effective defence and make a representation before the authorities challenging the order of detention. Grounds of detention without the supporting material is akin to a structure without a foundation, and the two go hand in hand.

6. In light of the aforesaid discussion, we are of the considered view that the admitted delay in supplying the booklet containing the supporting materials



to the detenu, beyond the period of 5 days stipulated in the Act is fatal to the order of detention, and we hence set aside the same.

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7.In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in D.O.No.C2/24/2025, dated 23.08.2025, is set aside.

8.The detenu, viz., Vignesh S/o. Perumal, aged 30 years, now confined in Central Prison, Trichy, 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.)

20-04-2026

vs

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Home Secretary to the Government of Tamilnadu,
Home Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Magistrate and District Collector,
District Collectorate,
Kallakurichi-606 202.
3. The Superintendent Of Police,
Office of the Superintendent of Police,
Kallakurichi, Kallakurichi District-606 202.



4. The Inspector Of Police,
Sankarapuram Police Station,
Kallakurichi District-606 401.

5. The Superintendent Of Prison,
Central Prison,
Trichy-620020.

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.

VS

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