



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2557 of 2025

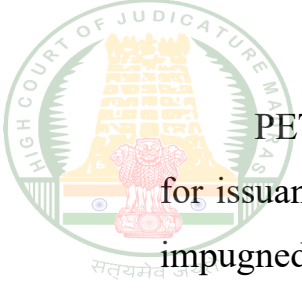
Sasikala
W/O Rajasekar,
Gundlamadugu Village,
Adari Bubuguru Post,
Kuppan Taluk,
Chittoor District,
Andhra Pradesh State.

..Petitioner(s)

Vs

1. The Secretary To The Government
Home Prohibition and Excise Department,
Secretariat, Fort.St.George, Chennai - 600009.
2. The District Collector and District Magistrate
Tirupathur District.
3. The Superintendent of Police
Tirupathur District.
4. The Superintendent
Central Prison, Vellore District.
5. The Inspector Of Police
Prohibition Enforcement Wing,
Vaniyambadi, Tirupathur District.

..Respondent(s)



PETITION filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, to call for the records relating to the impugned order C3/D.O.No.33/2025 dated 13.10.2025 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the petitioners husband namely Rajasekar son of Chandran, aged about 44 years, now confined at Central Prison, Vellore before this Honourable Court set him at liberty.

For Petitioner(s): P.Raman

For Respondent(s): Mr. C.R. Malarvannan, Counsel For
Government Of Tamil Nadu,(criminal
Side)

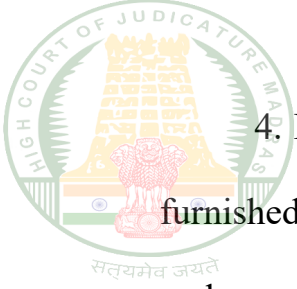
ORDER

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

The wife of the detenu viz., Rajasekar, S/o.Chandran, male, aged 44 years, who has been branded as Bootlegger under Section 2(b) of the Tamil Nadu Preventive Detention Act, 1982 (Act), has filed this habeas corpus petition.

2. We have heard Mr.P.Raman, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents.

3. Several grounds have been raised on behalf of the petitioner and we find that this HCP is to be allowed on the following grounds.

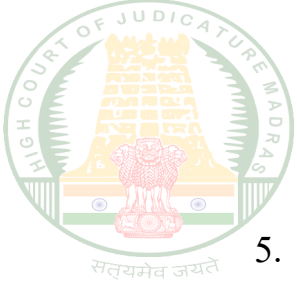


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4. Firstly, the documents furnished at page Nos.93 and 94 of the booklet furnished to the detenu are unclear. This has deprived the detenu of his right to make an effective representation. The Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* (1999) 2 SCC 413) has settled the position that the booklet should contain documents that are legible and in the language understood by the detenu. The relevant observations are as follows:

“8. The law relating to preventive detention has been crystallized and the principles are well neigh 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 detainee but also to supplying their translation in script or language which is understandable to the detainee. 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.”

5. Secondly, the subjective satisfaction of the detaining authority is really no subjective satisfaction at all for reason that the bail application filed by the detenu has been dismissed on 07.12.2025 and admittedly no bail application has been filed thereafter. Despite this, the authority goes on to state that there is a possibility of the detenu coming out on bail for which there is no basis at all. There is no statement that has been recorded from the relatives of the detenu and hence the same is nothing but mere ipse dixit.

6. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O.No.33/2025 dated 13.10.2025 is set aside.

7. The detenu, viz., Rajasekar, S/o. Chandran, aged 44 years, now confined in Central Prison, Vellore, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

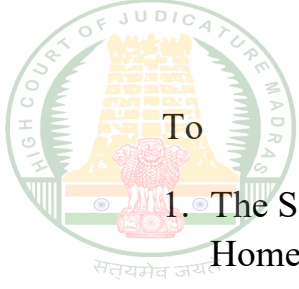
(A.S.M.,J.) (S.M.,J.)

24-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SL

Note: Issue today.



To

1. The Secretary To The Government
Home Prohibition and Excise Department,
Secretariat, Fort.St.George, Chennai - 600009.
2. The District Collector and District Magistrate
Tirupathur District.
3. The Superintendent of Police
Tirupathur District.
4. The Superintendent
Central Prison, Vellore District.
5. The Inspector Of Police
Prohibition Enforcement Wing,
Vaniyambadi, Tirupathur District.
6. The Joint Secretary to Government Public (Law & Order) Secretariat,
Fort.St.George, Chennai - 600009.
7. The Public Prosecutor, High Court, Madras.

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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

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