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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2408 and 2461 of 2025

P.Oorvasi
W/O.Prabhu,
D.No.3/63A, Urvashi Post,
Aaryan Nagakatti,
Rajasingamanagalam (T.K),
Ramanathapuram-623 525.

..Petitioner in
HCP.No.2408 of 2025

R.Ramu
W/o. Ramesh,
West Street,
Jaganathapuram,
Kovilaangkulam,
Usilampatti, Madurai-625514.

..Petitioner in
HCP.No.2461 of 2025

Vs

1. STATE OF TAMILNADU Rep.By its Secretary to Govt., Home, Prohibition and Exercise Dept, Fort St.George, Chennai.
2. The Commissioner of Police, Coimbatore City, Coimbatore - District.
3. Superintendent of Prison, Central Prison, Chennai-District.



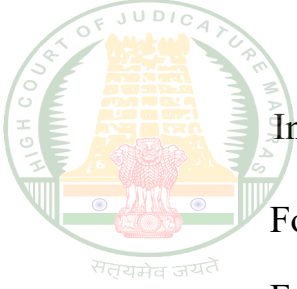
4. Inspector of Police,
Economic Offence Wing,
Coimbatore - District.

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..Respondent(s) in both
HCP's

Prayer in HCP No. 2408 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a WRIT OF HABEAS CORPUS or any other appropriate Writ or Order or Direction in the nature of Writ calling for records pertaining to the detainee Mr.Prabhu (M/37 yrs) son of Kurusamy male aged 37 who is detained under Tamil Nadu Act 14 of 1982 as Economic Offender at Central Prison, Coimbatore with third respondent, herein vide his order in C.No.168/G/IS/2025 dated 13.10.2025 on the file of the 4th respondent herein and to quash the same and direct the 3rd respondents herein to produce before the Hon'ble Court body of the detainee Mr.Prabhu son of Mr.Kuruswamy, aged about 37 years and set him at liberty.

Prayer in HCP No. 2461 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other appropriate Writ or order or direction in the nature of Writ calling for the records pertaining to the detainee Mr. Ramesh son of Kaluvan, male aged 40 who is detained under Tamil Nadu Act 14 of 1982 as Economic Offender at Central Prison, Coimbatore with 3rd respondent, herein vide order in C.No.167/G/IS/2025 dated 13.10.2025 on the file of the 4th respondent herein and to quash the same and direct the 3rd respondent herein to produce the before the Hon'ble Court body of the detainee Mr. Ramesh son of Mr. Kaluvan aged about 40 years and set him at liberty and pass such further or other order as this Honble Court.



In both HCP's

For Petitioner(s): Mr.I.Periaswamy

For Respondent(s): Mr.C.R.Malarvannan

Counsel For Government of Tamil Nadu
(Criminal Side)

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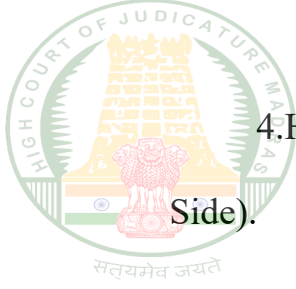
Common Order

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

In HCP.No.2408 of 2025, the wife of the detenu viz., K.Prabhu, S/o.Kurusamy, male, aged 37 years, who has been branded as Economic Offender under Section 2(ee) of the Tamil Nadu Preventive Detention Act, 1982 (Act), has filed this habeas corpus petition.

2. In HCP.No.2461 of 2025, the wife of the detenu viz., K.Ramesh, S/o.Kaluvan, male, aged 40 years, who has been branded as Economic Offender under Section 2(ee) of the Tamil Nadu Preventive Detention Act, 1982 (Act), has filed this habeas corpus petition.

3. Learned counsel for the petitioner in both cases would submit that the impugned orders of the detention are liable to be set aside on the grounds that the documents, placed at pages 62 to 66 of the booklets furnished to the detenus, are illegible and there is no proper subjective satisfaction in the statement of the detaining authority that the detenus will be enlarged on bail.



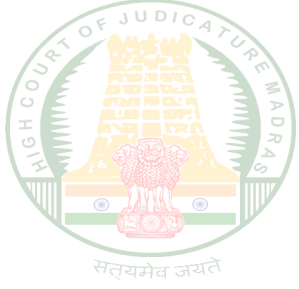
4. Heard the learned Counsel for Government of Tamil Nadu (Criminal Side).

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5. This Court finds that the documents placed in page Nos.62 to 66 of the booklet furnished to the detenu are illegible. This has deprived the detenus of their 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 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



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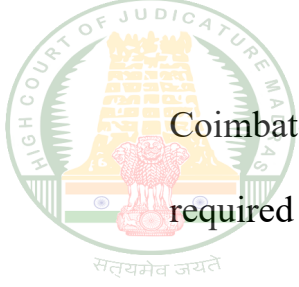
representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. 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."

6. Yet another ground that appeals to us is that the comparable case cited by the detaining authority, viz., Cr.M.P.No.1356 of 2024 dated 22.05.2024 passed by the Special Judge, Special Court under TNPID Act, Coimbatore, to support his apprehension that the detenu will be released on bail is really not comparable.

7. In the case relied upon by the detaining authority, bail has been granted on the ground that there, a dispute had been settled out of Court and the Court records that no useful purpose would be served in retaining the accused in jail. However, in the present case, that situation would not arise. The subjective satisfaction of the detaining authority is hence vitiated on this aspect, and non-application of mind is writ large in the matter.

8. In light of the above, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in C.No.168/G/IS/2025 and C.No.167/G/IS/2025, both dated 13.10.2025 are set aside.

9. The detenus, viz., K.Prabhu, S/o. Kurusamy, aged 37 years, and K.Ramesh, S/o. Kaluvan, aged 40 years, both now confined in Central Prison,



Coimbatore, are directed to be set at liberty forthwith, unless their presence is required in connection with any other case.

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(A.S.M.,J.) (S.M.,J.)
29-06-2026

sl

Index: Yes/No

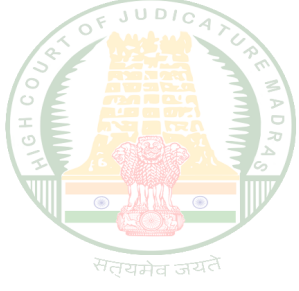
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Secretary to Govt.,
Home, Prohibition and Exercise Dept,
Fort St.George,
Chennai.
2. The Commissioner of Police,
Coimbatore City,
Coimbatore - District.
3. Superintendent of Prison,
Central Prison,
Chennai-District.
4. Inspector of Police,
Economic Offence Wing,
Coimbatore – District.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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HCP Nos. 2408 and 2461 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

HCP Nos. 2408 and 2461 of 2025

29-06-2026