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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 127 of 2026

Farida Begum
W/o. Mohammed Anifa,
No.3/260, Vallalar Nagar Main Road,
Madambakkam,
Kundrathur Taluk,
Kanchipuram District.

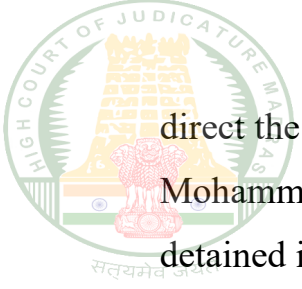
..Petitioner(s)

Vs

1. State of Tamil Nadu, Rep.by, The Additional
Chief Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
2. The Commissioner of Police,
Tambaram City.
3. Superintendent of Prison,
Central Prison, Puzhal-II,
Puzhal, Chennai.
4. Inspector of Police,
T10, Manimangalam Police Station,
Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Habeas Corpus to calling for the records in Memo No.134/BBCDEFGISSSV/2025 passed by the 2nd respondent on 08.10.2025, on the file of the 2nd respondent and quash the same as illegal and consequently



direct the respondent to produce petitioner son M.Mohammed Imrankhan son of Mohammed Anifa, aged about 24 years before this Honble Court, who nos detained in Central Prison, Puzhal-II, and set him Liberty.

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For Petitioner(s): Mr.A.Elumalai

For Respondent(s): Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

Order

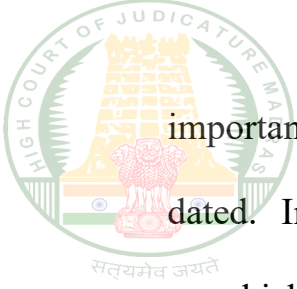
(Order of the Court was made by Dr.Anita Sumanth J.)

The mother of the detenu viz., M.Mohammed Imrankhan, S/o.Mohammed Anifa, male, aged 24 years, who has been branded as Drug Offender under Section 2(e) 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 grounds that the documents, placed at pages 19 and 21 of the booklets furnished to the detenu, are illegible and some documents including forensic examination report have not been translated.

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

4. We find that this HCP has to be allowed for the following reasons. Firstly, learned counsel points out that the Special Report that forms an



important basis which is placed at page 109 of the booklet furnished is not even dated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the petitioner has been taken, the same ought to have been dated, to establish credibility.

5. The compelling necessity to detain the detenu would depend on the date on which the sponsoring authority has sent his report. In the absence of the said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful. That apart, in the absence of a date, the proximity of the document to the incriminating events is also lost, and to this extent, there is a snappage of the link between that document and the other events.

6. Further in *Rekha Vs. State of Tamil Nadu through Secretary to Government and another* (2011 [5] SCC 244), the Hon'ble Supreme Court had held that where the detention order is passed on any irrelevant material, then, the detention order is liable to be quashed. Therefore, we are of the view that for the aforesaid reasons the impugned detention order is liable to be set aside.

7. Secondly, the booklet contains illegible documents including documents at page Nos.19 and 21 and some documents including forensic examination report have not been translated. The detenu has admittedly studied only till the 6th standard and has dropped out thereafter as can be seen from his confession statement. The furnishing of documents in a language unknown to

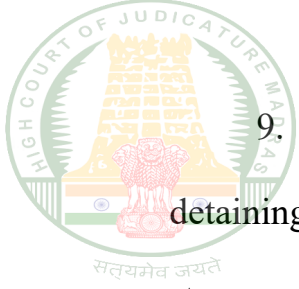


the detenue has deprived him of his right to make an effective representation.

8. 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 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 detenue but also to supplying their translation in script or language which is understandable to the detenue. 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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9. Thirdly, no bail application has been moved despite which the detaining authority, on the basis of a statement of a relative infers that there is a strong possibility of him coming out on bail. This inference is based on a bail order passed in Crl.M.P.No.2394 of 2023 by the Principal Special Court under EC & NDPS Act, Chennai. However, we find that, in that case bail has been granted since the charge sheet was not filed within time. Those circumstances do not arise in this case and hence the subjective satisfaction of the authority is only ipse dixit.

10. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.134/2025, dated 08.10.2025 is set aside.

11. The detenu, viz., M.Mohammed Imrankhan, S/o. Mohammed Anifa, aged 24 years, now confined in Central Prison, Puzhal-II, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

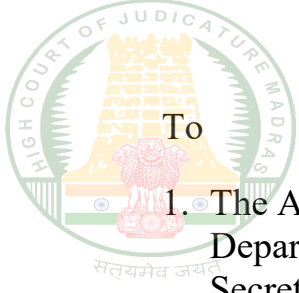
(A.S.M.,J.) (S.M.,J.)
02-07-2026

DP

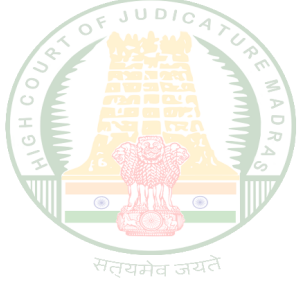
Index: Yes/No

Speaking

Neutral Citation: Yes



1. The Additional Chief Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
2. The Commissioner of Police,
Tambaram City.
3. The Superintendent of Prison,
Central Prison, Puzhal-II,
Puzhal, Chennai.
4. The Inspector of Police,
T10, Manimangalam Police Station,
Chennai.
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 No. 127 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

DP

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