

(2026) 03 MAD CK 0942

In the Madras High Court

Case No : Habeas Corpus Petition No. 1752 Of 2025

Ponnamal

APPELLANT

Vs

Secretary To The Government

RESPONDENT

Date of Decision : 16-03-2026

Acts Referred:

Tamil Nadu Preventive Detention Act, 1982 — Section 2(f)

Citation : (2026) 03 MAD CK 0942

Hon'ble Judges : Dr Anita Sumanth, J;Sunder Mohan, J

Bench : Division Bench

Advocate : P.Raman, D.Balaji, R.Muniyapparaj, M.Sylvester John

Final Decision : Allowed

Judgement

Sunder Mohan, J

1. 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 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."

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.