



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 243 of 2026

AND

CRL MP NO. 12441 OF 2026

Premalatha
W/o. Sudhakarraj,
No.8, Kalamegam Street,
Kamarajapuram, Selaiyur,
Chennai-600073.

..Petitioner(s)

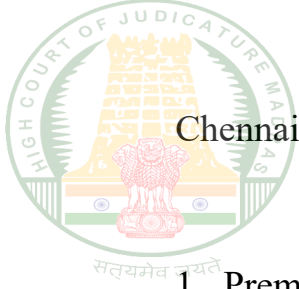
Vs

1. The Secretary To The Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Prison
Central Prison,
Puzhal, Chennai-600066.
4. The Inspector of Police
T-22, Medavakkam Police Station,
Chennai.

..Respondent(s)

CRL MP No. 12441 of 2026

Saravanan
S/o. Ramakrishnan.
Ponniyamman Kovil Street,
Nanmangalam,



Chennai-600 129.

..Petitioner(s)

Vs

1. Premalatha
W/o. Sudhakarraj Vedagiri,
Kamarajapuram,
Selaiyur,
Chenna-600 073.
2. The Secretary to Government
Home, Prohibition and Excise Department,
St.George Port,
Chennai-600 009.
3. Commissioner of Police
Office of Commissioner of Police,
Tambaram, Chennai-600009.
4. The Superintendent of Prison,
Puzhal Central Prison,
Puzhal
5. State rep by The Inspector of Police
T-22, Medavakkam Police Station,
Kovilampakkam,
Chennai-600 129.
Crime No.155 of 2025.

..Respondent(s)

Prayer in HCP No. 243 of 2026 : Petition filed under Article 226 of the Constitution of India praying to issue a Writ, order or direction and in more particularly writ in the nature of a Writ of Habeas Corpus calling for the entire records connected with the order of the 2nd respondent herein BBCDEFGISSSV No.144/2025 dated 28.10.2025 passed against petitioner aged about 36 years, as a Goonda who is confined at Central Prison, Puzhal Chennai-600066 and set aside the same and consequently directing the respondents herein to produce the detenue, before this Honble Court and set him at liberty forthwith.

Prayer in Crl MP No. 12441 of 2026 : Petition to intervene the Writ of Habeas Corpus or any other appropriate writ vide H.C.P.No.2026 a, liberty and pass



such further or other orders as this Honble Court may deem fit and proper and thus render Justice.

WEB COPY

For Petitioner(s): Mr.A.Murugavel

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

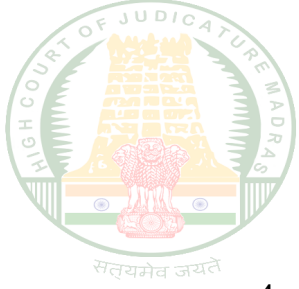
Order

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

The wife of the detenu viz., V.Sudhakarraj, S/o. Vedagiri, male, aged 36 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 challenging detention order dated 28.10.2025.

2. We have heard Mr.A.Murugavel, learned counsel for petitioner, Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side) and Mr.R.Gururaj, learned counsel for intervener.

3. Learned counsel for petitioner raises three points assailing the impugned detention order. Firstly, he would submit that there are infirmities in the arrest intimation and the same have not been properly signed / witnessed. Secondly, he would submit that despite the absence of bail petition, the detaining authority has opined that the detenu might be enlarged on bail, and such an inference has no basis. Thirdly, he points out that the special report is undated.



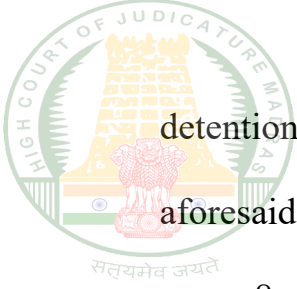
WEB COPY

4. As far as the bail is concerned, no bail application has been filed by the detenu. Despite this, the authority goes on to state that there are fair chances of either the detenu or his relatives moving a bail application. There is no credible statement that has been recorded from the relatives of the detenu and hence the subjective satisfaction on this account is nothing but ipse dixit.

5. That apart, we have perused the Special Report which is placed at page 171 of the booklet furnished. As rightly pointed out, we find the same undated. 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.

6. 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.

7. 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.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.144/2025 dated 28.10.2025 is set aside.

9. The detenu, viz., V.Sudhakarraj, S/o.Vedagiri, male aged 36 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

10. CMP No. 12441 of 2026 has been filed by the defacto complainant in the ground case, seeking intervention in the habeas corpus petition. The purpose of intervention is to support the case of the State for preventive detention.

11. We are of the considered view that this petition is not maintainable for the reason that the purpose of detention under the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) is to regulate law and order, anticipating and preventing the commission of dangerous offences by adumbrated categories of offenders.

12. For this purpose, it is the subjective satisfaction of the detaining authority that is vital, and such satisfaction is premised on the inputs from the sponsoring authority and other relevant sources.

13. While the de-facto complainant, or any individual for that matter, may inform the authorities about disruptive elements / dangerous activities by individuals, it is upto the authority to take a call on whether at all an order of



preventive detention is warranted. In such circumstances, we dismiss a petition of this nature being as non-maintainable.

WEB COPY

(A.S.M.,J.) (S.M.,J.)
14-07-2026

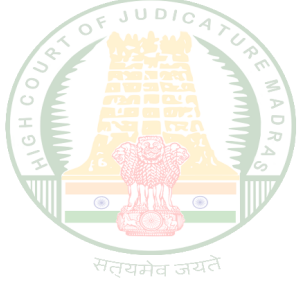
Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

Note to Registry : Issue Today

To

1. The Secretary To The Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Prison
Central Prison,
Puzhal, Chennai-600066.
4. The Inspector of Police
T-22, Medavakkam 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.



WEB COPY

HCP No. 243 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

HCP No. 243 of 2026
AND
CRL MP NO. 12441 OF 2026

14-07-2026