

H.C.P. No.1321 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

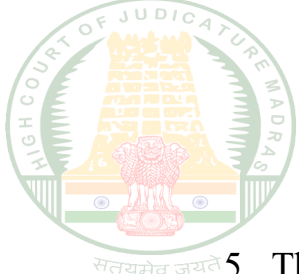
HCP No.1321 of 2026

Mr.Sahan Prasad Gupta,
S/o. Ramlal Prasad Gupta,
Nuagaon Village,
Guali Post,
Kendujhar District,
Odisha State - 758 035.

...Petitioner/Father of
the detenue

Vs

1. State of Tamil Nadu,
Rep.by, The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and
District Magistrate,
Krishnagiri District,
Office of the District Collector,
Krishnagiri.
3. The Superintendent of Police,
Krishnagiri District.
4. The Superintendent,
Special Prison for Women,
Coimbatore,
Coimbatore District.



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5. The Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records in connection with the detention order passed in S.C.No.43/2025 dated 28.11.2025 on the file of the 2nd Respondent herein and set aside the same as illegal and direct the respondents to produce the detenue, Selvi. Nilu Kumari Gupta, Daughter of Mr. Sahan Prasad Gupta, female, aged 22 years, who is detained in the Special Prison for Women, Coimbatore, before this Court and set her at liberty.

For Petitioner: Ms.S.Vasavi Sridevi

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

ORDER

(Order of the Court was made by Sunder Mohan J.)

The father of the detenu – Selvi. Nilu Kumari Gupta, D/o. Mr.Sahan Prasad Gupta, aged 22 years, has filed this petition challenging the detention order dated 28.11.2025, branding her as a

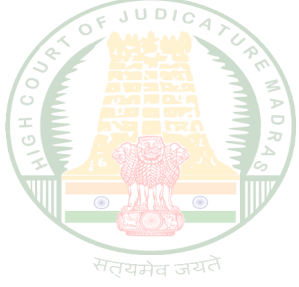


‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.

3. In this case, the detention order was passed on 28.11.2025 and served on 29.11.2025. However, we find that the booklet containing the documents relied upon by the detaining authority was furnished only on 05.12.2025, which is beyond the statutory limit of five days from the date of the detention order. Section 8 of Act 14/1982 mandates that the grounds of detention have to be furnished within five days from the date of detention. It is well settled that the grounds of detention includes all relevant documents relied upon by the detaining authority.

4. Therefore, in view of the statutory violation, the impugned detention order is liable to be set aside, as further detention of the detenu becomes illegal.



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5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in S.C.No.43/2025 dated 28.11.2025 is set aside.

6. The detenu, viz., Selvi. Nilu Kumari Gupta, D/o. Mr.Sahan Prasad Gupta, aged 22 years, who is now confined in Special Prison for Women, Coimbatore, is hereby directed to be set at liberty forthwith unless her presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
03-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue order copy today.

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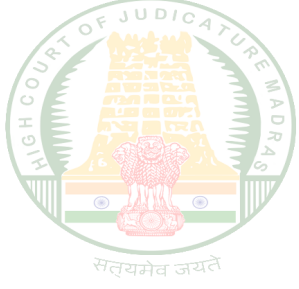
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To

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1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and
District Magistrate,
Krishnagiri District,
Office of the District Collector,
Krishnagiri.
3. The Superintendent of Police,
Krishnagiri District.
4. The Superintendent,
Special Prison for Women,
Coimbatore,
Coimbatore District.
5. The Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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03-08-2026