

HCP No.2610 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

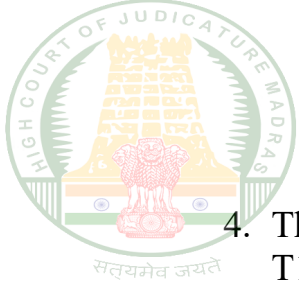
HCP No.2610 of 2025

Ammu
W/o. Robert,
No.1/65, Poonga Street,
Varadharajapuram,
Kundrathur Taluk,
Kancheepuram District.

...Petitioner/Mother of
Detenue

Vs

1. The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Tambaram City,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.



4. The Inspector of Police,
T10, Manimangalam Police Station,
Chennai.

WEB COPY

...Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the order of the 2nd respondent herein concerned in No.158/BBCDEFGISSSV/2025 dated 11.11.2025 and quash the order of detention passed therein by the 2nd respondent herein against the detenu and consequently directing the respondents herein to produce the body and person of the detenu by name R.Rajesh aged about 21 years, Son of Robert now detained at Central Prison, Puzhal, Chennai before this Court and set him at Liberty.

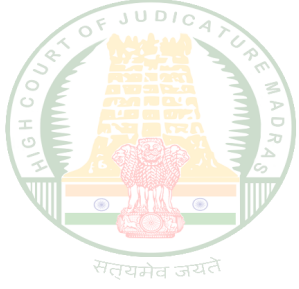
For Petitioner: Mr.S.Sasikumar

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 mother of the detenu – R.Rajesh, aged 21 years, S/o.Robert, has filed this petition challenging the detention order dated 11.11.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

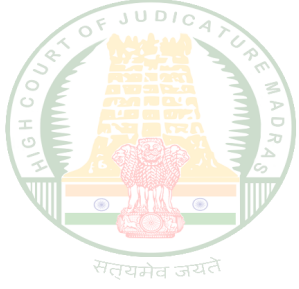


WEB COPY

2. Heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.

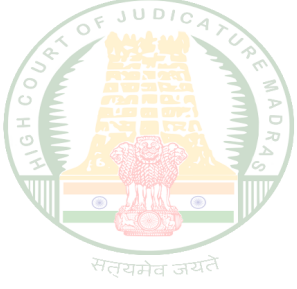
3. The detention order is liable to be quashed for more than one reason. Firstly, the impugned order cannot be sustained on the ground that the special report sent by the sponsoring authority is undated. The compelling necessity to detain the detenu would depend on the date on which the sponsoring authority 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.

4. Further in '*Rekha Vs. State of Tamil Nadu through Secretary to Government and another*' reported in '*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.



5. Secondly, it is seen from the grounds of detention that the detaining authority has stated that the detenu is in remand in two cases and had moved bail applications before the learned Principal District and Sessions Judge, Kancheepuram, in Crl.M.P.Nos.2022 and 2026 of 2025 and that the same were dismissed on 04.11.2025. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file another bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. Hence, for both the reasons, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.158/2025 dated 11.11.2025, is set aside.



WEB COPY

7. The detenu, viz., R.Rajesh, aged 21 years, S/o.Robert, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

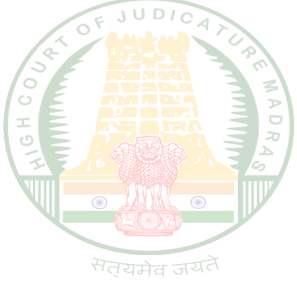
(A.S.M.,J.) (S.M.,J.)
15-07-2026

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

Issue order copy today

dk
To

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Tambaram City,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
T10, Manimangalam Police Station,
Chennai.



WEB COPY



HCP No.2610 of 2025

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

dk

5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.

HCP No. 2610 of 2025

15-07-2026