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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2608 of 2025

Nazma Bibi
W/o.Late. P.Abdul Majeed,
CH No. 8, Ward No.2,
Bathur Basti, Port Blair,
Sri Viyapuram, South Andaman,
Pin- 744 105.

..Petitioner(s)

Vs

1. The Secretary to the Government,
Government of Tamilnadu, (Home),
Prohibition and Excise Department,
Fort St.George,
Chennai-9.
2. The Commissioner of Police,
Tambaram City,
O/o.The Commissioner of Police,
(Goondas Section) Sholinganallur,
Chennai -600 119.
3. The Superintendent of Police,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police
T-21, Kilambakkam Police Station,
Guduvancherry, Tambaram.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the records in connection with the order of detention passed by Detention order No. 157/BBCDEFGISSSV/ 2025 dt. 10.11.2025 served on 13.11.2025 against the petitioner's son Mohammed Niaz,



aged about 20 years, who is now confined in the Central Prison, Puzhal, Chennai in pursuance of the detention order and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at liberty.

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For Petitioner(s): Mr.R.C.Paul Kanagaraj
for Mr.P.Sidharthan

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 one A.Mohammed Niaz (detenu), S/o. Abdul Majid (Late), who was detained as a 'Goonda' under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 10.11.2025.

2. Learned counsel appearing on behalf of the petitioner has raised various grievances as against the impugned order of detention. He also points out that the Special Report that forms an important basis for the grounds of detention, is not even dated.

3. We have heard both learned counsel for the petitioner as well as learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

4. We have perused the Special Report which is placed at page nos. 437 & 439 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.

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. That apart, HCP No. 2571 of 2025 and HCP No.2583 of 2025 filed by the co-accused have been allowed on 17.07.2026 & 13.7.2026 respectively, though on different grounds.

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.157/2025 dated 10.11.2025, is set aside.



9. The detenu, viz., A. Mohammed Niaz, S/o. Abdul Majid (Late), aged 20 years, 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.

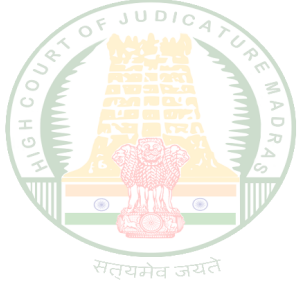
(A.S.M.,J.) (S.M.,J.)
17-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM
Note to Registry : Issue Today

To

1. The Secretary to the Government
Government of Tamilnadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai-9.
2. The Commissioner of Police
Tambaram City, O/o.The Commissioner of
Police, (Goondas Section)
Sholinganallur, Chennai -600 119.
3. The Superintendent of Police
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police
T-21, Kilambakkam Police Station,
Guduvancherry, Tambaram.
5. The Joint Secretary to Government,
Public (Law & Order), Secretariat,
Fort St.George, Chennai-600 009.
6. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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