

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2626, 2627 and 2630 of 2025

Chithra
W/o.Sampath,
M/o. Vinayagamoorthy (Detenu),
No.32, Thulukkanathamman Koil Street,
Ambedkar Nagar, Nandivaram,
Guduvanchery, Vandalur Taluk,
Chengalpattu - 603 202.

..Petitioner(s) in
HCP.No.2626 of 2025

Bharathy
W/o. Rajababu,
Mo.R.Sakthivel, (Detenue),
No.59, Bajanai Kovil Street,
Nandivaram, Guduvanchery,
Vadalar Taluk, Chengalpattu-603 202

..Petitioner(s) in
HCP.No.2627 of 2025

Saraswathi
W/o Rajivgandhi,
M/o Vishal (Detenue),
No.25, Thulukkanathamman Koil Street,
Ambedkar Nagar,
Guduvancherry,
Vandalur Taluk,
Chengalpattu.

..Petitioner(s) in
HCP.No.2630 of 2025

Vs

1. The Additional Chief Secretary To Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.



2. The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai -119.

3. The Inspector of Police (Crime),
T-8, Guduvancherry Police Station,
Guduvancherry, Vandalur Taluk,
Chengalapattu District.

..Respondent(s) in all
HCP's

4. Superintendent of Police,
Central Prison,
Puzhal,
Chennai- 600 066.

.. Respondent in
HCP.Nos.2626 and 2627 of 2025

4. Superintendent,
Central Prison,
Puzhal,
Chennai- 600 066.

.. Respondent in
HCP.No.2630 of 2025

Prayer in HCP No. 2626 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a writ of Habeas Corpus or any other writ of direction to call for the records relating to the impugned order of detention dt. 01.11.2025 in vide Memo No. 154/BBCDEFGISSSV/2025 passed by the 2nd respondent herein and quash the same and consequently direct the respondents to produce the detenue Vinayagamoorthy, S/o.Sampath, aged 23 years now confined in Central prison, Puzhal, Chennai before this Honble Court and set him at liberty.

Prayer in HCP No. 2627 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India to issue a writ, order or direction or any other writ in the nature of Habeas Corpus calling for the records relating to the Impugned order detention dated 01.11.2025 in vide memo



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No.153/BBCDEFGISSSV/2025, passed by the 2nd Respondent herein and quash the same and consequently direct the respondents to set forth the detenue Sakthivel, S/o. Rajababu, aged 22 years now confined in Central Prison, Puzhal, Chennai before this Hon'ble court and set him at liberty and pass such further or other orders as this Hon'ble Court deem fit and proper in the circumstances of the case and thus render Justice.

Prayer in HCP No. 2630 of 2025: Habeas Corpus petition filed under Article 226 of Constitution of India to issue a writ order or direction or any other writ in the nature of Habeas Corpus calling for the records relating to the Impugned order of detention dated 01.11.2025 in vide no. 152/BBCDEFGISSSV/2025, passed by the 2nd respondent herein and quash the same and consequently direct the respondents to set forth the detenue Vishal, s/o Rajivgandhi, aged 19 years now confined in Central Prison, Puzhal, Chennai before this Honourable Court and set him at liberty.

In all HCP's

For Petitioner(s): Mr.D.Prasanna Kumar

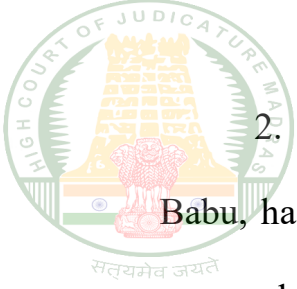
For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(criminal Side)

Common Order

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

In HCP.No.2626 of 2025, one S.Vinayagamoorthi, aged 23 years, S/o Sampath, has suffered an order of detention dated 01.11.2025 and his mother has approached this Court seeking to set aside the detention order.



2. In HCP.No.2627 of 2025, one R.Sakthivel, aged 22 years, S/o Raja Babu, has suffered an order of detention dated 01.11.2025 and his mother has approached this Court seeking to set aside the detention order.

3. In HCP.No.2630 of 2025, one R.Vishal, aged 22 years, S/o Rajiv Gandhi, has suffered an order of detention dated 01.11.2025 and his mother has approached this Court seeking to set aside the detention order.

4. Learned counsel appearing on behalf of the petitioner in all HCP's has raised various grievances as against the impugned order of detention. They also point out that the Special Report that forms an important basis for the grounds of detention, is not even dated.

5. We have heard both learned counsel for the petitioner as well as learned counsel for Government of Tamil Nadu (criminal side) for the respondents in all HCP's.

6. We have perused the Special Report which is placed at page 121 of the booklets 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 detenus has been taken, the same ought to have been dated, to establish credibility.

7. 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.

8. 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.

9. Further, the subjective satisfaction of the detaining authority that the detenus will be enlarged on bail is really no satisfaction at all. Admittedly, no bail application has been filed by the detenus in HCP.Nos.2626 and 2627 of 2025 and the bail application filed by the detenu in HCP.No.2630 of 2025 is still pending. Despite this, the authority goes on to state that he believes that the detenus would be enlarged on bail for which there is no basis at all. There is no statement that has been recorded from the relatives of the detenus and hence the same is mere ipse dixit.

10. That apart, the detaining authority refers to the confession statement of the detenus in the detention order. However, those statements have not been



placed in the booklet furnished to the detenus. Instead a confession statement of one Ajay, who is not an accused in this matter has been placed in the booklet.

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11. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in BBCDEFGISSSV No.154/2025, BBCDEFGISSSV No.153/2025, and BBCDEFGISSSV No.152/2025, all dated 01.11.2025 are set aside.

12. The detenus, viz., S.Vinayagamoorthis, S/o. Sampath, aged 23 years, R.Sakthivel, S/o.Raja Babu, aged 22 years, and R.Vishal, S/o. Rajiv Gandhi, aged 19 years, who are now confined in Central Prison, Puzhal, Chennai, are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)

20-07-2026

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Index: Yes/No

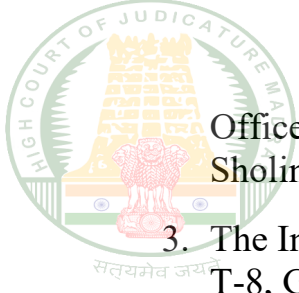
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

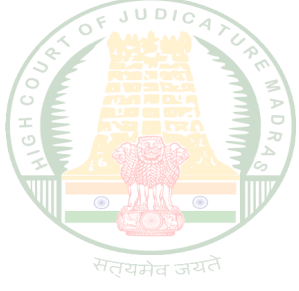
To

1. The Additional Chief Secretary To Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Police,
Tambaram City,



Office of the Commissioner of Police,
Sholinganallur, Chennai -119.

3. The Inspector of Police (Crime),
T-8, Guduvancherry Police Station,
Guduvancherry, Vandalur Taluk,
Chengalapattu District.
4. The Superintendent of Police,
Central Prison,
Puzhal,
Chennai- 600 066.
5. The Superintendent,
Central Prison,
Puzhal,
Chennai- 600 066.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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