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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2662 of 2025

VelduraIchi

W/o.Masanapandy,

No. 6/300, Sivakasi Alangulam Road,

South Achampatti,

Sankarankoil Taluk,

Thirunelveli - 627 951

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Dept.,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 66.
4. The Inspector of Police, Law and Order,
Prohibition Enforcement Wing,
Flower Bazaar Unit,
Greater Chennai Police,
Chennai.

..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 the 2nd respondent dt. 21.11.2025 in MEMO No. 970/BBCDEFGISSSV/2025 against the petitioner's Son namely Manoj Kumar, Male aged 23 years, S/o.Masanapandy, who is confined in Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce



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the detenue before the Hon'ble Court and set him at liberty.

For Petitioner(s): Ms.S.Rohini for Mr.S.Senthilvel

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.)

One Manoj Kumar, S/o Masanapandy, has suffered an order of detention dated 21.11.2025 and his mother has approached this Court seeking to set aside the detention order.

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 139 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



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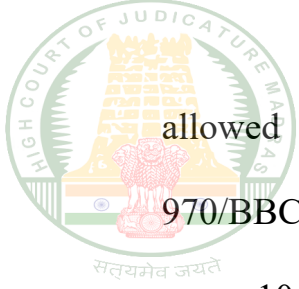
date on which the sponsoring authority has sent his report. In the absence of the said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful. That apart, in the absence of a date, the proximity of the document to the incriminating events is 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.

7. That apart, the subjective satisfaction of the detaining authority that the detenu may be enlarged on bail is vitiated for the reason that he relies upon an order passed in Crl.M.P.No.5272 of 2023 dated 27.07.2023 by the Principal Sessions Judge, Principal Special Court under EC & NDPS Act, Chennai.

8. The bail application filed by the detenu was pending, and the detaining authority infers that bail may be granted relying upon an order passed in Crl MP No. 5272 of 2023. However, we find that, that was a case of statutory bail and hence there is no basis whatsoever to opine that the detenu may be released on bail in this case as well. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit.

9. In light of the aforesaid discussion, this Habeas Corpus Petition is



allowed and the Detention Order passed by the second respondent in 970/BBCDEFGISSV/2025 dated 21.11.2025 is set aside.

10. The detenu, viz., Manoj Kumar, S/o. Masanapandy, aged 23 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.

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

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

Note to Registry : Issue Today

To

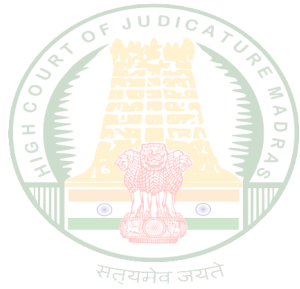
1. The Additional Chief Secretary to Government
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Law and Order,
Prohibition Enforcement Wing,
Flower Bazaar Unit,
Greater Chennai Police,
Chennai.
5. The Public Prosecutor,



High Court of Madras.

6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.

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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

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