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HCP.No.1659 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.11.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1659 of 2025

D.Elumalai

... Petitioner
father of the detenu

Versus

1. The State of Tamilnadu

Represented by the Principal Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai – 600 009

2. The Commissioner of Police

Office of the Commissioner of Police
Tambaram City
Sholinganallur
Chennai – 600 119

3. The Superintendent of Prison

Central Prison, Puzhal
Chennai – 600 066

4. The Inspector of Police

T-12 Selaiyur Police Station
Chennai

... Respondents



HCP.No.1659 of 2025

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records relating to the Detention order vide BBCDEFGISSSV No. 82/2025 dated 24.07.2025 passed by the 2nd respondent and quash the same and direct the respondents herein to produce the petitioners son namely E.Dinesh, S/o.Elumalai, male, aged 25 years, who is presently under going detention in the Central Prison, Puzhal before this Court and set him at liberty.

For Petitioner : Mr.T.I.Ramanathan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the father of the detenu E.Dinesh, S/o.Elumalai, male, aged 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 24.07.2025 bearing reference BBCDEFGISSSV No.82/2025 slapped on his son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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3. Though several grounds have been raised, the learned counsel for the petitioner in the hearing submitted that the Detaining Authority has relied on the report of the Sponsoring Authority with regard to steps being taken by the relatives of the detenu for taking him out on bail but special report of the Sponsoring Authority is undated. The learned counsel drew the attention of this Court to paragraph 4 of the grounds of impugned preventive detention order which reads as follows:

'4.....However, the sponsoring authority has stated that it is learnt that E.Dinesh's relatives are taking steps to take him out on bail in the above case by filing bail application in appropriate court....'

4. We had the benefit of perusing the grounds booklet served on the detenu and we find that the special report of the sponsoring authority at page 160 of the grounds booklet is undated and the signature of the sponsoring authority also does not contain a date.

5. In response to the aforementioned argument, learned Prosecutor submitted that there is a special report and therefore, the same has been relied on.

6. We carefully considered the rival submissions.



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7. The Detaining Authority has passed the detention order only based on the report of the Sponsoring Authority. Therefore, we are of the view that if the special report is undated, the veracity of such a report becomes even more suspect. In this view of the matter, relying on the *ipsi dixit* of the Sponsoring Authority is clearly a non-application of mind when it comes to passing of impugned preventive detention order. In this view of the matter, the impugned preventive detention order is vitiated and the same is liable to be set aside.

8. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 24.07.2025 in BBCDEFGISSSV No.82 of 2025 is hereby set aside. The detenu viz., E.Dinesh, S/o.Elumalai, male, aged 25 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
28.11.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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To

1. The Principal Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai – 600 009
2. The Commissioner of Police
Office of the Commissioner of Police
Tambaram City
Sholinganallur
Chennai – 600 119
3. The Superintendent of Prison
Central Prison, Puzhal
Chennai – 600 066
4. The Inspector of Police
T-12 Selaiyur Police Station
Chennai
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



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N.SATHISH KUMAR, J.,
AND

M.JOTHIRAMAN, J.,

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