



HCP No. 55 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 55 of 2026

Mohana

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600 009.
2. The Commissioner of Police
Office of Commissioner of Police,
Tambaram City - 600 045.
3. The Superintendent,
Central Prisons,
Puzhal, Chennai - 600 066.
4. The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai District.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records relating to the detention order in 151/BBCDEFGISSSV/2025 dated 31.10.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and



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quash the same and direct the respondents to produce them Tamilarasan, aged 31 years, S/o.Dhayalan, who is presently confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s):	Mr.P.Santhosh
For Respondent(s):	Mr.C.R. Malarvannan, Counsel for Government of Tamil Nadu (Criminal Side)

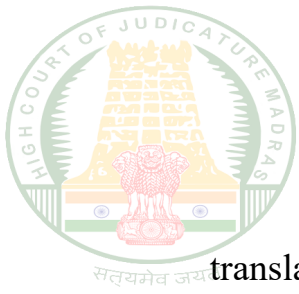
ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of the detenu – T.Tamilarasan, aged 31 years, S/o.Thayalan, has filed this petition challenging the detention order dated 31.10.2025, branding him as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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

3. The detention order is liable to be quashed for more than one reason. Firstly, from the perusal of the records, it is seen that the

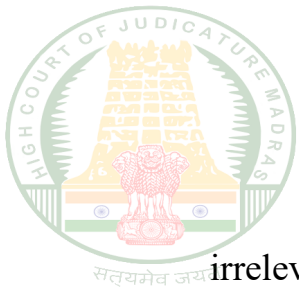


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translated copy of the 180(3) statement of the Doctor, that has been relied upon by the detaining authority, has not been furnished to the detenu. Admittedly, the detenu is acquainted only with Tamil. It is well settled that if the relied upon documents are not furnished in the language known to the detenu, his right to make effective representation would be denied. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court had held that non-supply of relevant documents in the language known to the detenu renders the detenu's detention illegal.

4. Secondly, 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.

5. 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



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irrelevant material, then, the detention order is liable to be quashed. 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.151/2025 dated 31.10.2025 is set aside.

7. The detenu, viz., T.Tamilarasan, aged 31 years, S/o.Thayalan, 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.)
01-07-2026

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

Note: Issue order copy today.



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To

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Rep. by its Principal Secretary,
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Office of Commissioner of Police,
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3. The Superintendent,
Central Prisons,
Puzhal, Chennai - 600 066.
4. The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai District.
5. The Joint Secretary,
Law and Order Department, Secretariat,
Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

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