



H.C.P.No.296 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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Devi, F/A 46 yrs,
W/o. Mahendiran,
No.1/29, Vivekanandhar Street,
Theerthagiriyampattu, Palavayal,
Tiruvallur, Tamil Nadu – 600 052.

.. Petitioner

VS

1.The State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Home, Prohibition and Excise Department,
Government of Tamil Nadu
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
Avadi Police Commissionerate,
Office of the Commissioner of Police,
(Goondas Section), Vepery,
Chennai – 07.

3.The Superintendent of Prison,
Central Prison, Puzhal II,
Chennai – 66.

4.The Inspector of Police,
M-4 Redhills Police Station,
Chennai – 600 052.

.. Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records relating to the detention order dated 14.08.2025 passed by the 2nd respondent in No.125/TNPD/ACP/2025 and quash the same and direct the respondents herein to produce the petitioner's son Prakashraj @ Prakash, S/o. Mahendiran, aged 26 years, who is presently under going detention in the Central Prison, Puzhal II, Chennai before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.Mohan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER
(Made by SUNDER MOHAN, J.)

The mother of detenu - Prakashraj @ Prakash, S/o. Mahendran, has filed this petition challenging detention order dated 14.08.2025 branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

3. We find on perusal of the record and on hearing the submissions on either side that the impugned order cannot be sustained since the special report sent by the sponsoring authority is undated. The detention order has been passed on the report of the sponsoring authority. 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



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said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful.

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4. 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 irrelevant material, then, the detention order is liable to be quashed. Therefore, we are of the view that for the aforesaid reason the impugned detention order is liable to be set aside.

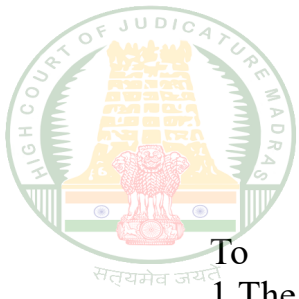
5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.125/TNPD/APC/2025 dated 14.08.2025 is set aside.

6. The detenu, viz., Prakashraj @ Prakash, S/o. Mahendran, aged 26 years, 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.]
20.04.2026

Index: Yes/No
Neutral Citation: Yes/No
ssm/ars

Note : Issue Today



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To

1.The Secretary to Govt.,
Home, Prohibition and Excise Department,
Government of Tamil Nadu
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
Avadi Police Commissionerate,
Office of the Commissioner of Police,
(Goondas Section), Vepery,
Chennai – 07.

3.The Superintendent of Prison,
Central Prison, Puzhal II,
Chennai – 66.

4.The Inspector of Police,
M-4 Redhills Police Station,
Chennai – 600 052.

5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

6.The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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