



WEB COPY

HCP No. 1916 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1916 of 2025

Santhiya

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The Inspector of Police,
T-7, Otteri Police Station,
Tambaram City.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent 28.08.2025 in BBCDEFGISSSV No.103/2025 against the petitioner Husband E.Silambu @ Silambarasan, Male aged 30 years S/o.Elumalai who is confined at Central Prison, Cuddalore and set aside the same and direct the respondent to produce the detenue before the Court and set him at liberty.



For Petitioner(s):
For Respondent(s):

Mr.D.Balaji
Mr. R.Muniyapparaj,
Additional Public Prosecutor,
Assisted By
Mr. M.Sylvester John

ORDER

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

The wife of the detenu – E.Silambu @ Silambarasan, branded as ‘Goonda’ under Section 2(f) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 28.08.2025.

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

3. We find on perusal of the record and on hearing the submissions on either side, the impugned order cannot be sustained on the sole ground that 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.



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 reasons the impugned detention order is liable to be set aside.

5. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order BBCDEFGISSSV No.103/2025 dated 28.08.2025 is set aside.

6. The detenu, viz., E.Silambu @ Silambarasan, S/o.Elumalai, aged 30 years, who is 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.)
28-04-2026

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



To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
T-7, Otteri Police Station,
Tambaram City.
5. The Public Prosecutor,
Madras High Court.
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.**

TSG

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