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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. 2025 of 2025

P.Jebaselvi Pushpalatha

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, St.George Fort,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondaas Section),
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison-II, Puzhal, Chennai - 600 066.
4. The Inspector of Police,
K-2, Ayanavaram Police Station,
Ayanavaram, Chennai – 600 023.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, directing the respondents to produce Petitioner husband P. Periya Paulraj son of Rajarathinam, male aged 35 years, detained under sub section (1) of section 3 of the Tamil Nadu Preventive Detention Act 1982(Tamil Nadu Act 14 of 1982) r/w orders issued by the Government in G.O.(D).No.188, Home Prohibition and Excise (XVI)



Department dated 16th July 2025 and under sub section (2) of section 3 of the said act vide order No.635/BBCDEFGISSSV/2025 dated 03.09.2025 and now confined at Central Prison, Puzhal before this Court and set him at liberty forthwith by call for the records and setting aside the order of detention bearing order No.635/BBCDEFGISSSV/2025 dated 03.09.2025.

For Petitioner(s):	Mr. Ilaiyaraja Kandasamy
For Respondent(s):	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 – Periya Paulraj, branded as ‘Goonda’ under Section 2(f) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 03.09.2025.

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.

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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 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 No.635/BBCDEFGISSSV/2025 dated 03.09.2025 is set aside.

6. The detenu, viz., Periya Paulraj, S/o. Rajarathinam, aged 35 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

TSG



Note: Issue order copy today

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To

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Central Prison-II, Puzhal, Chennai - 600 066.
4. The Inspector of Police,
K-2, Ayanavaram Police Station,
Ayanavaram, Chennai – 600 023.
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.**

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