



WEB COPY



HCP No. 1974 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1974 of 2025

Sudha

..Petitioner(s)

Vs

1. The State of Tamilnadu,
Rep. by Additional Chief Secretary to the
Government,
Home Prohibition and Excise Department,
Fort.St.George,
Chennai – 600 009.
2. The District Magistrate and District Collector,
Erode District,
Erode.
3. The Superintendent of Prison,
Erode District.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Inspector of Police,
PEW, Erode Town Police Station,
Erode.

..Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order dated 06.09.2025 passed by the second respondent in his proceedings No.Cr.M.P.No.52/DRUG OFFENDER/2025 C1 and quash the same and direct the respondents herein to produce the petitioner's Husband namely Senthilkumar, son of Ramasamy aged about 50 years, who is presently under going detention in the Central Prison, Coimbatore, as Drug Offender before this Court and set him at liberty.

For Petitioner(s): Mr.C.S. Saravanan

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 - Senthilkumar, branded as 'Drug Offender' under Section 2(e) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 06.09.2025.

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.

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.Cr.M.P.No.52/Drug Offender/2025 C1 dated 06.09.2025 is set aside.



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6.The detenu, viz., Senthilkumar, S/o. Ramasamy, aged 50 years, who is now confined in Central Prison, Coimbatore, 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.)
27-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Issue Order Today.

Tsg

To

1. The Additional Chief Secretary to the Government,
Home Prohibition and Excise Department,
Fort.St.George,
Chennai – 600 009.
2. The District Magistrate and District Collector
Erode District, Erode.
3. The Superintendent of Police
Erode District, Erode.
4. The Superintendent of Prison
Central Prison,
Coimbatore.
5. The Inspector of Police
PEW, Erode Town Police Station,
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6. The Public Prosecutor,
High Court, Madras.



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

Tsg

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