



WEB COPY

HCP No. 1981 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1981 of 2025

S.Lurdu Mary

..Petitioner(s)

Vs

1.The Additional Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai- 600009.

2.The Commissioner of Police
Office of the Commissioner of Police, Tambaram
City.

3.The Superintendent of Police
Central Prison,
Puzhal, Chennai.

4.The Inspector of Police
T16, Semmanchery Police Station, Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other appropriate Writ, calling for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.87/BBCDEFGISSSV/2025, dated 07.08.2025 and quash the same as



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illegal and produce the Detenue, Namely R.Sathish Kumar, S/o. Rajendran, aged 31 years, DRUG Offender now he is confined in Central Prison, Puzhal II, Chennai before this court and set him at liberty.

For Petitioner(s): Mr.C.Raja

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-R.Sathish Kumar, 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 07.08.2025.

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 **No.87/BBCDEFGISSSV/2025**, dated **07.08.2025** is set aside.

6. The detenu, viz., R.Sathish Kumar, **S/o. Rajendran**, aged 31 years, who is now confined in **Central Prison, Coimbatore**, is directed



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to be set at liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
24-03-2026

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

ars

To

1. The Additional Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort.St.George, Chennai- 600009.

2. The Commissioner of Police
Office of the Commissioner of Police, Tambaram City.

3. The Superintendent of Police
Central Prison,
Coimbatore.

4. The Inspector of Police
T16, Semmanchery Police Station,
Chennai.

5. The Public Prosecutor,
High Court, Madras.



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

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