



HCP No. 1986 of 2025

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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. 1986 of 2025

Ammu

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Dept.,
Secretariat, St. George Fort,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai District,
Vepery,
Chennai-600 007
3. The Superintendent of Prison,
Central Prison,
Puzhal-II,
Chennai-600 066
4. The Inspector of Police
PEW-Triplicane Unit,
Chennai.

..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 BBCDEFGISSSV 664/2025 dated 10/09/2025 passed by the 2nd respondent and quash the same and to produce the petitioner's husband Mr.Paulsamy, S/o.Manickam, aged about 25 years, the detenue now confined in Central Prison, Puzhal-II, Chennai before this Court and set the detenue herein at liberty.

For Petitioner(s):	Mr.D.Sugumar
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 - Paulsamy, S/o.Manickam, aged 25 years, has filed this petition challenging the detention order dated 10.09.2025, branding him as a 'Drug Offender' under Section 2(e) 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.



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3. In the grounds of detention, the detaining authority has stated that the detenu is in remand; that the detenu had not filed any bail application in the ground case; and that in a similar case, the accused therein was granted bail by the learned Principal Special Judge for EC and NDPS Act Case, Chennai in Crl.MP.No.5272 of 2023.

4. However, the detaining authority had observed in the grounds of detention that his relatives are taking steps to take him out on bail. We find that the statement of the said relative is not signed. We have in HCP No. 1684 of 2025 dated 01.04.2026 held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. Therefore, the reliance placed on the said statement by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu would indulge in further criminal activities after his release also is without any basis.



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6. Further, the impugned order cannot be sustained on the 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.

7. 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.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV 664/2025 dated 10.09.2025 is set aside.



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9. The detenu, viz., Paulsamy, S/o.Manickam, aged 25 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.)
27-04-2026

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

Note: Issue Order Today.
ars

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Dept.,
Secretariat, St. George Fort, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai District,
Vepery, Chennai-600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal-II, Chennai-600 066.
4. The Inspector of Police
PEW-Triplicane Unit, Chennai.
5. The Public Prosecutor,
High Court, Madras.



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

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