



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

WEB COPY

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2079 of 2025

Dineshkumar
S/o.Krishnamoorthi,
No. 121, Angappa Street,
Karumandiselli Palayam,
Perundhurai Taluk,
Erode District.

..Petitioner(s)

Vs

1. The State of Tamilnadu,
Represented by Additional Chief Secretary to
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
Erode Taluk Police Station,



..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 writ of direction to call for the records relating to the detention order dt. 24.08.2025 passed by the 2nd respondent in his proceedings No. Cr.M.P.No.48/GOONDA/2025 C1 and quash the same and direct the respondents herein to produce the petitioners brother namely Ravikumar, Brother of Palanisamy aged about 38 years who is presently under going detention in Central Prison, Coimbatore as Goonda before this honble Court and set him at liberty.

For Petitioner(s): Mr.M.Vinoth

For Respondent(s): Mr. C.R. Malarvannan

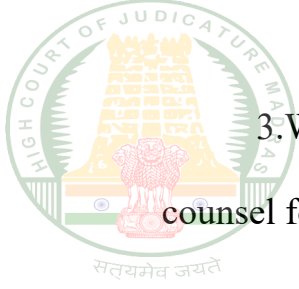
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

One Ravikumar, aged 38 years, S/o Palanisamy, has suffered an order of detention dated 24.08.2025 and his brother has approached this Court seeking to set aside the detention order.

2.Learned counsel appearing on behalf of the petitioner has raised various grievances as against the impugned order of detention. He also points out that the Special Report that forms an important basis for the grounds of detention, is not even dated.



3. We have heard both learned counsel for the petitioner as well as learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

WEB COPY

4. We have perused the Special Report which is placed at page 57 of the booklet furnished. As rightly pointed out, we find the same undated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the petitioner has been taken, the same ought to have been dated, to establish credibility.

5. 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. That apart, in the absence of a date, the proximity of the document to the incriminating events is also lost, and to this extent, there is a snappage of the link between that document and the other events.

6. Further in *Rekha Vs. State of Tamil Nadu through Secretary to Government and another* (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.



7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Cr.M.P.No.48/Goonda/2025 C1, dated 24.08.2025 is set aside.

8. The detenu, viz., Ravikumar, S/o. Palanisamy, aged 38 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.)

16-06-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. Additional Chief Secretary to 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
Erode Taluk Police Station,
Erode.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.

WEB COPY



WEB COPY



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

HCP No. 2079 of 2025

16-06-2026