



HCP No. 2102 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2102 of 2025

Suriya Mala

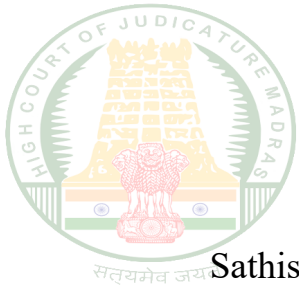
..Petitioner(s)

Vs

1. The Secretary To The Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner Of Police,
Tambaram City.
3. The Superintendent Of Prison,
Central Prison,
Puzhal.
4. The Inspector Of Police,
T-9, Maraimalai Nagar Police Station,
Tambaram City.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus or any other Writ or Order in the nature of Writ, call for the records in Connection with the order of detention passed by the second respondent 17.09.2025 in BBCDEFGISSSV No.118/2025 against the petitioner's husband



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Sathishkumar, Male aged 25 years, S/o.Mahendran, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s):	Mr.S.Kalaikumar for Mr.D.Balaji
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 – M.Sathishkumar, has filed this petition challenging the detention order dated 17.09.2025, branding him as a ‘Goonda’ under Section 2(f) 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.

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



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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 reason 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 BBCDEFGISSSV No.118/2025 dated 17.09.2025 is set aside.

6. The detenu, viz., M.Sathishkumar, aged 25 years, S/o.Mahendran, who is now confined in Central Prison, Puzhal, Chennai



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is directed to be set at liberty forthwith, unless his presence is required in

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connection with any other case.

(A.S.M.,J.) (S.M.,J.)
29-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ars

Note to Registry : Issue Today

To

1. The Secretary To The Government,
Home Prohibition And Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner Of Police,
Tambaram City.
3. The Superintendent Of Prison,
Central Prison Puzhal.
4. The Inspector Of Police,
T-9, Maraimalai Nagar Police Station,
Tambaram City.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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