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H.C.P.No.2148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2148 of 2025

Kumar, male, aged 50 years,
S/o. Durai Kannan,
No.3/105, Thiruvalluvar Street,
Pazhanthandalam Village,
Kundrathur Taluk, Kancheepuram District.

.. Petitioner

VS

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Tambaram City.

3.The Superintendent of Prison,
Central Prison, Cuddalore.

4.The Inspector of Police,
T-11, Somangalam Police Station,
Tambaram City.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent 14.08.2025 in BBCDEFGISSSV No.96/2025 against the petitioner's son K.Karunakaran, male, aged 23 years, S/o. Kumar, who is confined at



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Central Prison, Cuddalore, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

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For Petitioner : Mr.P.Raman

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

(Made by SUNDER MOHAN, J.)

The father of detenu - K.Karunakaran, S/o. Kumar, aged 23 years, has filed this petition challenging detention order dated 14.08.2025 branding him as '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 that the impugned order cannot be sustained since the special report sent by the sponsoring authority is undated. The detention order has been passed on the report of the sponsoring authority. 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.



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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. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.96/2025 dated 14.08.2025 is set aside.

6. The detenu, viz., K.Karunakaran, S/o. Kumar, aged 23 years, who is now confined in Central Prison, Cuddalore, 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.]
20.04.2026

Index: Yes/No

Neutral Citation: Yes/No

ssm/ars

Note : Issue Today



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- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Inspector of Police,
T-11, Somangalam Police Station,
Tambaram City.
- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 6.The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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