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H.C.P.No.2184 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.2184 of 2025

Nandeshwaran, M/25,
S/o. Murugan,
Door No.26, Kothukarar Thottam,
Periyasemur, Veerappanchatram,
Erode District.

.. Petitioner

VS

1.State of Tamil Nadu Rep. By its Principal 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 Prison,
Central Prison, Coimbatore.

4.The Superintendent of Police,
Erode District, Erode.

5.The Inspector of Police,
Erode North Police Station,
Erode.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records pertaining to the impugned detention order passed by the 2nd respondent made in his



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proceedings Cr.M.P.No.43/Goonda/2025 C1 dated 11.08.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a “Goonda” and quash the same and direct the respondents to produce the detenu namely Nandheshwaran, S/o. Murugan, male, aged about 25 years, who is now detained in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.O.S.Thilak Pasumbadiyar

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

ORDER

(Made by SUNDER MOHAN, J.)

The detenu - Nandeshwaran, S/o. Murugan, aged 25 years, has filed this petition challenging detention order dated 11.08.2025, 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



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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. 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.43/Goonda/2025 C1 dated 11.08.2025 is set aside.

6. The detenu, viz., Nandeshwaran, S/o. Murugan, aged 25 years, who is now confined in Central Prison, Coimbatore, 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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To

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- 1.The Principal 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 Prison,
Central Prison, Coimbatore.
- 4.The Superintendent of Police,
Erode District, Erode.
- 5.The Inspector of Police,
Erode North Police Station,
Erode.
- 6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 7.The Public Prosecutor,
High Court, Madras.



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

ssm/ars

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