



WEB COPY

HCP No.2437 of 2



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.2437 of 2025

Yuvarani
W/o.Dasthagir
No.26, Rutharpuram, Mylapore,
Chennai District.

...Petitioner/Wife of the
detenu

Vs

1. The Addl. Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal-II,
Chennai District.
4. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai District.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the detention order in No.647/BBCDEFGISSV/2025 dated 04.09.2025 on the



file of the respondent no.2 and quash the same and direct the respondents to produce the petitioner's husband one named Mr.Dasthagir, S/o.Rahamathulla, aged 22 years now confined at Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor,
Assisted by
M.Sylvester John
Advocate

ORDER

(Order of the Court was made by Sunder Mohan J.)

The wife of the detenu – Dasthagir, S/o.Rahamathulla, aged 22 years, branded as 'Goonda' under Section 2(f) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 04.09.2025.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 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 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.

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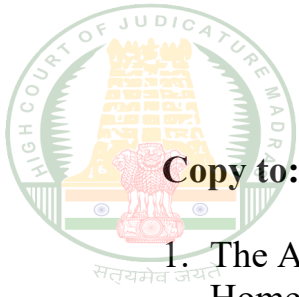
4. Further in '*Rekha Vs. State of Tamil Nadu through Secretary to Government and another*' reported in '*2011 [5] SCC 244*', the Hon'ble Supreme Court had held that where the detention order is passed on any irrelevant material, then, the detention order is liable to be quashed. Therefore, we are of the view that for the aforesaid reason the impugned detention order is liable to be set aside.

5. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order No.647/BBCDEFGISSSV/2025 dated 04.09.2025 is set aside.

6. The detenu, viz., Dasthagir, S/o. Rahamathulla, aged 22 years, who is now confined in Central Prison, Puzhal, Chennai 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.)
29-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Note: Issue order today
dk



Copy to:

1. The Addl. Chief Secretary to the Government,
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2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal - II,
Chennai District.
4. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai District.
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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