



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2707 of 2025

J. Lakshmi
W/o.Jeyakumar,
No.14349, 3 Adukku,
Kannagi Nagar,
Sholinganallur Taluk,
Chennai - 600 119

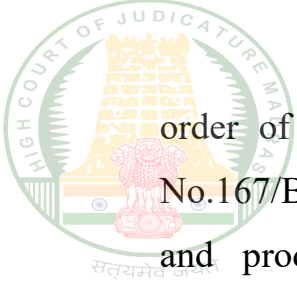
..Petitioner/Detenue's
Mother

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Tambaram City.
3. The Superintendent of Police,
Special Prison for Women,
Puzhal, Chennai.
4. The Inspector of Police,
T-15 Kannagi Nagar, Police Station,
Chennai.

...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



order of detention passed by the second respondent in his proceedings in No.167/BBCDEFGISSSV/2025, dated 30.11.2025 and quash the same as illegal and produce the detenu, namely P.Jeyalakshmi W/o.Prabhakaran aged 20 years, DRUG OFFENDER now she is confined in Special Prison for Women Puzhal, Chennai before this Court and set her at liberty.

For Petitioner: Mr.C.Vignesh

For Respondent: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

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

The mother of the detenu – P.Jeyalakshmi W/o.Prabhakaran aged 20 years, has filed this petition challenging the detention order dated 30.11.2025, branding her as a ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.

3. The detention order is liable to be quashed for more than one reason. In the grounds of detention, the detaining authority has stated that the detenu was in remand and had filed a bail petition in the above case before the Principal Special Court for EC and NDPS Act, Chennai vide CrI.M.P.No.7219 of 2025



and the same is pending; and that in a similar case, the accused therein was granted bail by the Principal Special Court under Essential Commodities & Narcotic Drugs and Psychotropic Substance Act, Chennai – 600 104, in CrI.MP.No.9007 of 2023 on 28.11.2023.

5.The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, it is seen that the Special Court had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu would indulge in further criminal activities after her release also is without any basis.

6. That apart, we find 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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7. 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 reasons, the impugned detention order is liable to be set aside.

8. In light of the aforesaid discussions, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.167/2025 dated 30.11.2025, is set aside.

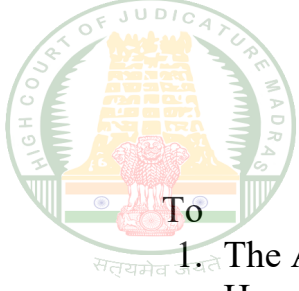
9. The detenu, viz., P.Jeyalakshmi W/o.Prabhakaran aged 20 years, who is now confined in Special Prison for Women, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless her presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
15-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue Order copy today.

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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St George, Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Tambaram City.
3. The Superintendent of Police,
Special Prison for Women,
Puzhal, Chennai.
4. The Inspector of Police,
T-15 Kannagi Nagar, Police Station, Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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**15-06-2026
(2/2)**