

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2482 of 2025

E.Poongavanam
W/o.Elumalai,
R.H.No. 08, Vinayagapuram, Mel Street,
Keerapakkam, Vandalur Taluk,
Chengalpattu District- 600 127.

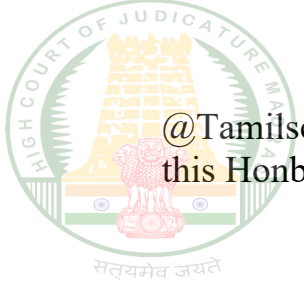
..Petitioner(s)

Vs

1. The Secretary to Government,
Home, prohibition and Excise Department,
Secretariat, Fort St.George, Chennai 600 009.
2. The State of Tamilnadu Represented by
The Commissioner of Police,
Office of the Commissioner of Police,
(Goondas Section) Tambaram City,
Chennai - 600 119.
3. The Superintendent
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police
T-8 Guduvancherry Police Station,
Chennai - 602 202.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the entire records relating to the impugned order of detention passed by the 2nd respondent in Memo No. 132/BBCDEFGISSSV/2025 dt 04.10.2025 and set aside the same and consequently direct the respondents to produce the detainee Tamilselva



@Tamilselvan, petitioner's son now confined at Central Prison, Puzhal before this Honble Court and set him at liberty.

For Petitioner(s): Ms.M.Reena for Mr.J.Prakash

For Respondent(s): Mr.C.R. Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

(Order of the Court was made by Dr.Anita Sumanth J.)

One E.Tamilselvan, aged 21 years, S/o Elumalai, has suffered an order of detention dated 04.10.2025 and his mother has approached this Court seeking to set aside the detention order.

2.Learned counsel appearing on behalf of the petitioner has raised various grievances as against the impugned order of detention. He also points out that the Special Report that forms an important basis for the grounds of detention, is not even dated.

3.We have heard both learned counsel for the petitioner as well as learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

4.We have perused the Special Report which is placed at page 117 of the booklet furnished. As rightly pointed out, we find the same undated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the detenu has been taken, the same ought to have been dated, to establish credibility.

5. 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. That apart, in the absence of a date, the proximity of the document to the incriminating events is also lost, and to this extent, there is a snappage of the link between that document and the other events.

6. Further in *Rekha Vs. State of Tamil Nadu through Secretary to Government and another* (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.

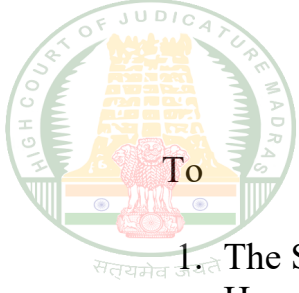
7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.132/2025 dated 04.10.2025 is set aside.

8. The detenu, viz., E.Tamilselvan, S/o. Elumalai, aged 21 years, 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.

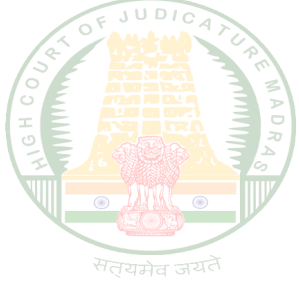
(A.S.M.,J.) (S.M.,J.)
25-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

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1. The Secretary to Government,
Home, prohibition and Excise Department,
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Chennai 600 009.
2. The State of Tamilnadu Represented by
The Commissioner of Police,
Office of the Commissioner of Police,
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3. The Superintendent
Central Prison, Puzhal,
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4. The Inspector of Police
T-8 Guduvancherry Police Station,
Chennai - 602 202.
5. The Joint Secretary to Government
Public (Law and Order),
Fort St.George,
Chennai – 9.
6. The Public Prosecutor,
High Court, Madras.



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

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