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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2493 of 2025

Revathy
W/o Devasagayam,
No.116, 3rd Floor,
Q Block, T.N.S.C.B.,
Ezhil Nagar,
Perumbakkam,
Chennai -600119

..Petitioner(s)

Vs

1. The Secretary to the Government, Home
Prohibition & Excise Department, Fort
St.George, Secretariat,
Chennai -600 009.
2. The Commissioner of police,
Greater Chennai City,
E.V.K.Sampath Road,
Vepery, Chennai – 600007.
3. The Superintendent of Prison
Central Prison,
Cuddalore.
4. The Inspector of police
G-7 Chetpet Police station,
Chennai.

..Respondent(s)

**Prayer:**

Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a writ of habeas corpus of writ call for the records in connection with the order of detention passed by the 2nd respondent dated 27.10.2025 in No.852/BBCDEFGISSSV/2025 against the wife of the petitioner SAGAYAM @ DEVASAGAYAM, M/A 38 son of Johnson, who is confined at Central Prison, Cuddalore and to set aside the same and consequently direct the respondents to produce the detenue before this Hon'ble court and set him at his liberty.

For Petitioner(s): Mr.M.Ramesh Babu

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

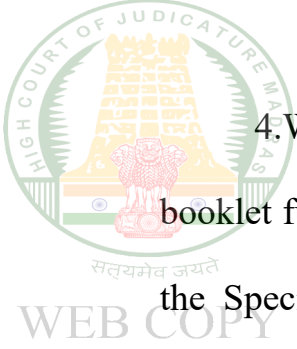
Order

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

One Sagayam @ Devasagayam, aged 38 years, S/o Johnson, has suffered an order of detention dated 27.10.2025 and his wife 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.

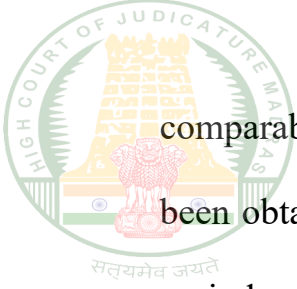


4. We have perused the Special Report which is placed at page 60 of the booklet furnished. As rightly pointed out, we find the same undated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the petitioner has been taken, the same ought to have been 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.

7. Yet another ground that appeals to us is that the comparable case cited by the detaining authority, viz., CrI.M.P.No.5272 of 2023 dated 27.07.2023 passed by the Principal Special Court under EC & NDPS Act, Chennai, to support his apprehension that the detenu will be released on bail is really not



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comparable. In the case relied upon by the detaining authority, bail that has been obtained by that accused for non-filing of final report within the statutory period under Section 167 of the Code of Criminal Procedure, 1973, whereas in the present case, that situation would not arise. The subjective satisfaction of the detaining authority is hence vitiated on this aspect, and non-application of mind is writ large in the matter.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.852/BBCDEFGISSSV/2025, dated 27.10.2025 is set aside.

9. The detenu, viz., Sagayam @ Devasagayam, S/o. Johnson, aged 38 years, who is now confined in Central Prison, Cuddalore, 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.)

22-06-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue today.

To

1. The Secretary to the Government, Home Prohibition & Excise Department, Fort St.George, Secretariat, Chennai -600 009.



2. The Commissioner of police,
Greater Chennai City,
E.V.K.Sampath Road,
Vepery, Chennai – 600007.

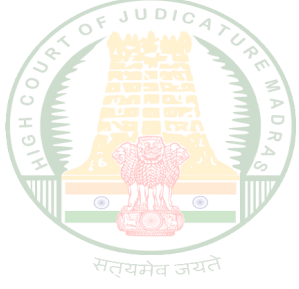
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3. The Superintendent of Prison
Central Prison,
Cuddalore.

4. The Inspector of police
G-7 Chetpet Police station,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

sl

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