



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.2512 of 2025

Sumathi
W/o. Ravi,
No.103/3, Anna Street,
Surampatti Valasu,
Erode District.

...Petitioner/Mother of
detenue

Vs

1. The State of Tamilnadu,
Represented by Additional Chief 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 Police,
Erode District,
Erode.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Inspector of Police,
Erode South 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 relating to the detention order dated 09.10.2025 passed by the second respondent in his proceedings No.Cr.M.P.No.61/Drug Offender/2025 C1 and quash the same and direct the respondents herein to produce the petitioner's son namely Manikandan, son of Ravi aged about 25 years, who is presently under going detention in the Central Prison, Coimbatore as Drug Offender before this Court and set him at liberty forthwith.

For Petitioner: Mr.C.S.Saravanan

For Respondents: 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 – Manikandan, S/o.Ravi aged 25 years, has filed this petition challenging the detention order dated 09.10.2025, branding him as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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

3. The detention order is liable to be quashed for more than one reason. Firstly, from the perusal of the records, it is seen 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.

5. 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.

6. Secondly, we find that the detaining authority has stated that the detenu has not moved any bail application. However, he has stated that there is real possibility of the detenu coming out on bail by filing bail application. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. For the above mentioned reasons, the detention order is liable to be quashed.



7. 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.6/Drug Offender/2025 C1 dated 09.10.2025, is set aside.

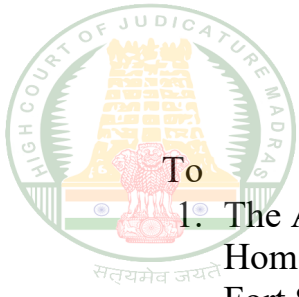
8. The detenu, viz., Manikandan, S/o.Ravi aged 25 years, who is now confined in Central Prison, Coimbatore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
02-07-2026

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

Note : Issue Order copy today.

dk



To

1. The Additional Chief 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 Police,
Erode District,
Erode.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Inspector of Police,
Erode South Police Station,
Erode.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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

dk

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

(Order of the Court was made by Dr. ANITA SUMANTH, J.)

This matter is listed under a special today under the caption ‘for being mentioned’.

2. There is an error in order dated 02.07.2026 at paragraph 7, wherein the order of detention has been inadvertently mentioned as ‘Cr.M.P.No.6/Drug Offender/2025 C1 dated 09.10.2025’ instead of ‘Cr.M.P.No.61/Drug Offender/2025 C1 dated 09.10.2025’.

3. Hence paragraph no.7 of order dated 2.7.2026 reads as follows:

‘7. 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.61/Drug Offender/2025 C1 dated 09.10.2025, is set aside.’

4. Except the aforesaid modification, order dated 02.07.2026 remains unaltered.

[A.S.M, J.] [S.M, J.]
06.07.2026

ssm

Note: Registry to issue a fresh copy of this order today after incorporating necessary corrections.



WEB COPY



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

ssm

HCP No. 2512 of 2025

06.07.2026