



WEB COPY

HCP No. 2602 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2602 of 2025

Rabindra Swain
S/o. Gobind Swain,
A-Kodala,
Dhanurjayapur,
Digapada,
Ganjam Kodala,
Odisha State.

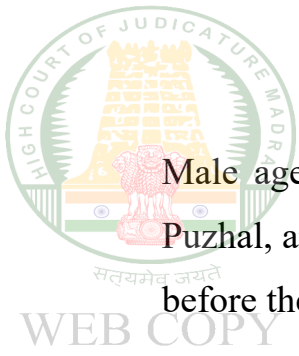
..Petitioner(s)

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Prison
Central Prison, Puzhal.
4. The Inspector of Police
Tambaram PEW,
Tambaram City.

..Respondent(s)

Prayer: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to issue a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ to call for the records in connection with the order of Detention passed by the second respondent 22.08.2025 in BBCDEFGISSSVNo.102 of 2025 against petitioner's Brother G.Alok Swain,



Male aged 23 years, S.o Gobind Swwain who is confined at Central Prison, Puzhal, and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at Liberty.

For Petitioner(s): Mr. P. Raman
for Mr.D.Balaji
For Respondent(s): Mr. R. Muniyapparaj,
Additional Public Prosecutor
asst. by Mr.M.Sylvester John

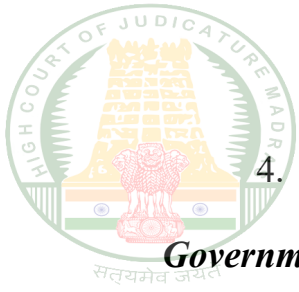
ORDER

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

The brother of detenu – G.Alok Swain, S/o. Gobind Swain, aged 23 years, has filed this petition challenging detention order dated 22.08.2025 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 petitioner and learned Additional Public Prosecutor for respondents.

3. We find on perusal of the record and on hearing the submissions on either side that the impugned order cannot be sustained since the special report sent by the sponsoring authority is undated. The detention order has been passed on the report of the sponsoring authority. 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.



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 reasons the impugned detention order is liable to be set aside.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.102/2025 dated 22.08.2025 is set aside.

6. The detenu, viz., G.Alok Swain, S/o. Gobind Swain, aged 23 years, who is now confined in Central Prison, Puzhal, Chennai, 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.)
20-04-2026

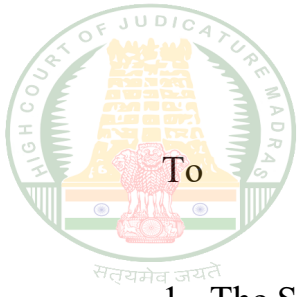
Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG

Note: Issue order copy on 20.04.2026



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

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