

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 168 of 2026

Raj
S/o.Shanmugam,
No.8, Bakthavatchalam Street,
Saligramam,
Chennai.

..Petitioner(s)

Vs

1. State of Tamil Nadu Represented by Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. State Rep by Inspector of Police
Virugambakkam Police Station,
Chennai.

..Respondent(s)

Prayer:Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of habeas Corpus to any other



appropriate writ order or direction in the nature of writ to call for the records of the 2nd respondent pertaining to the order made in Memo No.886/BBCDEFGISSSV/2025 dt. 31.10.2025 in detaining the detenu under the Tamilnadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce the detenu, namely Mukesh Kannan S/o.Raj, aged 23 years who is detained at the Central Prison Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.Karthick.S

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.)

The father of one Mukesh Kannan (detenu) S/o Raj, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 31.10.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing out to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Mr.Karthick.S, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.



4. The subjective satisfaction of the detaining authority is vitiated for the reason that he relies upon an order passed in CrI.M.P.No.26094 of 2024 dated 19.09.2024 by the Principal Sessions Judge in the Court of Sessions at Chennai.

His inference that the detenu is likely to come out on bail is based on a comparison of the two cases, the present case with that of the accused in CrI.M.P.No.26094 of 2024. However, that accused had one previous case, whereas the detenu has six previous cases.

5. Since the circumstances in the present matter are far graver, we find that the subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, as the gravity of the offences in the present case would, no doubt, weigh with the authorities as and when the bail application filed by the detenu would be considered.

6. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit.

7. That apart, a fatal error in the booklet is that a copy of the G.O. has admitted by not been supplied to the detenu. This is a fatal flaw insofar as the detenu must be aware of the basis on which the police authority has proceeded to pass the detention order and framed the grounds of detention, on the basis of which he has been detained.



8. In the absence of furnishing of Government Order, the detenu will be at a loss as to what the basis is and would be denied of the opportunity of even challenging the basis of assumption of power.

9. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No. 886/BBCDEFGISSSV/2025 dated 31.10.2025 is set aside.

10. The detenu, viz., Mukesh Kannan, S/o.Raj, male aged 23 years, who is 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.)

06-07-2026

dp

Index: Yes/No

Speaking

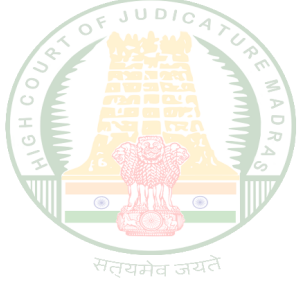
Neutral Citation: Yes

Note to Registry : Issue Today.



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. State Rep by Inspector of Police
Virugambakkam 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.

DP

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