



WEB COPY



HCP No.1679 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

HCP No.1679 of 2025

Ramalingam
S/o.Marimuthu,
No.6/11, Eswar Nagar, 4th Street,
Kodambakkam, Chennai-600024.

Petitioner(s)

Vs

1.The State of Tamil Nadu represented by
the Additional Chief Secretary to Government
Home Prohibition and Excise Department, Secretariat,
Fort St.George, Chennai.600009.

2.The Commissioner of Police
Greater Chennai Police Commissioner,
The Commissioner Office, Vepery, Chennai-7.

3.The Superintendent of Police
Central Prison, Puzhal, Chennai-66.

4.The Inspector of Police
R2-Kodambakkam Police Station, Chennai.

Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to the detention order in BBCDEFGISSSV No.503/2025, dated 25.07.2025 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Duraiyarasan, S/o.Ramalingam, aged 25 years, detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's husband at liberty.

For Petitioner(s): Mr.N.Naresh

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the father of the detenu Duraiyarasan, S/o.Ramalingam, aged 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 25.07.2025 bearing BBCDEFGISSSV No.503/2025 slapped on his son, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non-application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and three adverse cases. The detenu has moved a bail application in respect of the ground case and the same is pending consideration. Therefore, there is no real possibility of the detenu coming out on bail in the near future. However, the detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order in CrI.M.P.No.1842 of 2020.



5. In this regard, the learned counsel drew the attention this Court to the order in CrI.M.P.No.1842 of 2020, which is enclosed at Page No.24 in Volume II of the booklet. A perusal of the said order shows that the contraband seized has not been produced before the Court, whereas, in this case, the contraband seized has been produced before the Court and therefore, the subjective satisfaction arrived at by the detaining authority regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

6. *Per contra*, the learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

7. Considering the submissions made by both sides, this court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. In such view of the matter, the impugned detention order is liable to be quashed. +



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In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 25.07.2025 in BBCDEFGISSSV No.503/2025 is hereby set aside. The detenu Duraiyaran, S/o.Ramalingam, aged 25 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K., J.) (M.J.R., J.)
04.11.2025

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



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To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police
Greater Chennai Police Commissioner,
The Commissioner Office, Vepery, Chennai - 7.

3.The Superintendent of Police
Central Prison, Puzhal, Chennai - 66.

4.The Inspector of Police
R2-Kodambakkam Police Station, Chennai.

5.The Public Prosecutor,
Madras High Court, Chennai.

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



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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

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