



H.C.P. No.1737 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.12.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P. No.1737 of 2025

Santhosh

.. Petitioner

Vs.

1. The Secretary to Government
Home Prohibition and Excise Department
Secretariat, Chennai – 600 009

2. District Magistrate and Collector of
Kallakurichi District, Kallakurichi

3. The Superintendent of Police
Kallakurichi District, Kallakurichi

4. The Superintendent of Prison
Central Prison, Cuddalore

5. The Inspector of Police
Thiyagadurgam Police Station
Kallakurichi District

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to call for the records in connection with the order of detention passed by the second respondent dated 18.07.2025 in D.O.No.C2/23/2025 against the petitioner brother Ruthish, Male aged 25 years S/o.Sundarrajan, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce before this Court and set him at liberty.



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H.C.P. No.173, of 2025

For Petitioner : Mr.D.Balaji
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(The Order of the Court was made by P.Velmurugan, J)

This Habeas Corpus Petition has been filed to call for the records in connection with the order of detention passed by the second respondent dated 18.07.2025 in D.O.No.C2/23/2025 against the petitioner's brother Ruthish, Male aged 25 years S/o.Sundarrajan, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce before this Court and set him at liberty.

2. Though the learned counsel for the petitioner took several grounds to quash the impugned order of detention, he focused mainly on the ground that the detaining authority, without application of mind, stated that the relatives of the detenu moved a bail application and therefore, the detenu is likely to be released on bail, whereas no material is filed to show that the relatives of the detenu moved an application for bail.

3. Therefore, the order of detention passed by the second respondent dated 18.07.2025 in D.O.No.C2/23/2025 against the petitioner's brother Ruthish, is hereby quashed on the ground of non application of mind on the part of the detaining authority while passing the impugned detention order.



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4. The detenu namely Ruthish, S/o.Sundarrajan, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

5. With the above direction, this Habeas Corpus Petition is allowed.

(P.V., J) (M.J.R., J)
18.12.2025

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Neutral Citation: Yes/No



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To

1. The Secretary to Government
Home Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. District Magistrate and Collector of
Kallakurichi District, Kallakurichi
3. The Superintendent of Police
Kallakurichi District, Kallakurichi
4. The Superintendent of Prison
Central Prison, Cuddalore
5. The Inspector of Police
Thiyagadurgam Police Station
Kallakurichi District
6. The Public Prosecutor,
High Court, Madras.



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and

M.JOTHIRAMAN, J

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