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HCP Nos. 304 and 313 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 304 and 313 of 2026

V.Mallika
Wife of Velmurugan,
No.115, Surya Nagar,
G.T.Naidu Nagar West,
Kotturpuram,
Chennai - 600 085.

..Petitioner in
HCP.No.304 of 2023

Pandimadevi
W/o.Anthony,
No. 3/63, Kamarajar Street,
Arambakkam Main Road,
Arambakkam,
Kancheepuram - 601 301.

..Petitioner in
HCP.No.313 of 2023

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Tambaram City,
Sholinganallur.
3. The Inspector of Police,
T-10 Manimangalam Police Station,



Manimangalam.

4. The Superintendent of Prison,
Chennai Central Prison, Puzhal,
Chennai.

..Respondent(s) in both
HCP's

Prayer in HCP.No.304 of 2026: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of 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 dated 03.09.2025 in No.113/BBCDEFGISSSV/2025 against the petitioner's son V.Balaji, Son of Velmurugan aged about 29 years, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at Liberty.

Prayer in HCP.No.313 of 2026: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of 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 2nd respondent dt. 03.09.2025 in No. 114/BBCDEFGISSSV/2025 against the petitioner's son J.Jesudoss, S/o.Anthony aged about 28 years, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at liberty.

In both HCP's

For Petitioner(s): Mr.S.Gowsik Sundar

For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(criminal Side)



Common Order

(Order of the Court was made by Dr.Anita Sumanth J.)

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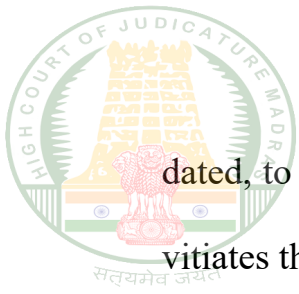
In HCP.No.304 of 2026, one V.Balaji, aged 29 years, S/o Velmurugan, has suffered an order of detention dated 03.09.2025 and his mother has approached this Court seeking to set aside the detention order.

2.In HCP.No.313 of 2026, one J.Jesudoss, aged 28 years, S/o Jesu Anthony, has suffered an order of detention dated 03.09.2025 and his mother has approached this Court seeking to set aside the detention order.

3.Learned counsel appearing on behalf of the petitioners has raised two grounds as against the impugned orders of detention. Firstly, he points out that the Special Reports that form an important basis for the grounds of detention, are not even dated. Secondly, the subjective satisfaction of the detaining authority that the detenus may be enlarged on bail is incorrect.

4.We have heard both learned counsel for the petitioners as well as learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

5.We have perused the Special Reports which are placed at page 79 of the booklets furnished. As rightly pointed out, we find the same undated. Insofar as the Special Report is one of the important documents, based on which the decision to detain the petitioner has been taken, the same ought to have been



dated, to establish credibility. The absence of even basic details such as a date, vitiates the same.

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6. As rightly pointed out by the learned counsel for the petitioner, we find that the subjective satisfaction of the detaining authority is incorrect. The detaining authority proceeds on the basis that there is imminent possibility of the relatives of the detenus obtaining bail. How he arrives at such a conclusion is a mystery, as no statement has been recorded from the relatives of the detenus. Hence non-application of mind is writ large in the matter.

7. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.113/2025 and BBCDEFGISSSV No.114/2025, both dated 03.09.2025 are set aside.

8. The detenus, viz., V.Balaji, S/o. Velmurugan, aged 29 years, and J.Jesudoss, S/o.Jesu Anthony, aged 28 years, who are now confined in Central Prison, Puzhal, Chennai, are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
08-06-2026

sl

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Tambaram City,
Sholinganallur.
3. The Inspector of Police,
T-10 Manimangalam Police Station,
Manimangalam.
4. The Superintendent of Prison,
Chennai Central Prison, Puzhal,
Chennai.
5. The Public Prosecutor,
High Court of 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.

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