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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1165 of 2026

CNR: {HCMA011390052026}

Rakini Venkatesan ..Petitioner(s)

Vs

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

2. The District Collector and District Magistrate,
   Kancheepuram District,
   Kancheepuram.

3. The Superintendent of Police,
   Kancheepuram District,
   Kancheepuram.

4. The Superintendent of Prison,
   Central Prison, Vellore.

5. The Inspector of Police,
   Kanchi Taluk Police Station,
   Kancheepuram District. ..Respondent(s)

PRAYER: 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 dated 13-5-2026 in Rc.No.262/2026/M6 D.O. No.10/2026 against the petitioner's husband Murugavel, Male, aged about 26

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years, son of Selvavinayagam, who is confined at the Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner(s): Mr.M.Illiyas

For Respondent(s): Mr. M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA J.)

The petitioner, who is the wife of the detenu Murugavel, son of Selvavinayagam, aged about 26 years, has come forward with this petition challenging the detention order passed by the second respondent in Rc.No.262/2026/M6 D.O.No.10/2026 dated 13.05.2026 branding him as a "Goonda" under Section 2(f) of 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. Learned counsel for the petitioner submitted that the detaining authority, while relying on another case and stating it to be a similar case, had inferred that there was a real possibility of the detenu coming out on bail. He further submitted that the similar order relied upon by the detaining authority was the order passed by the learned Principal District and Sessions Judge,

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Kancheepuram, in Crl.M.P.No.522 of 2026, dated 13.03.2026. In that case, the learned Principal District and Sessions Judge, considering the fact that the co-accused therein had been granted bail by the High Court, had granted bail to the petitioner therein. However, as far as the case of the detenu is concerned, none of the co-accused has been enlarged on bail and consequently, there is no possibility of the detenu coming out on bail. Therefore, the order dated 13.03.2026 passed in Crl.M.P.No.522 of 2026 cannot be taken as a similar case. Hence, he prayed to set aside the impugned detention order.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the case relied upon by the detaining authority is not similar to the case of the detenu herein. Therefore, the subjective satisfaction arrived at by the detaining authority is a mere *ipse dixit.* Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in *Alagu vs The State of Tamil Nadu,* reported in *2026 SCC OnLine SC 976.* Therefore, we are inclined to interfere with the impugned order.

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5. In the result, this Habeas Corpus Petition is allowed and the order of detention in Rc.No.262/2026/M6 D.O. No.10/2026, dated 13.05.2026, passed by the second respondent, is set aside. The detenu, viz., Murugavel, son of Selvavinayagam, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(A.D.J.C., J.) (B.K., J.)
27-10-2026

Neutral Citation: Yes/No

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To

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

2. The District Collector and District Magistrate
Kancheepuram District,
Kancheepuram.

3. The Superintendent of Police
Kancheepuram District,
Kancheepuram.

4. The Superintendent of Prison
Central Prison, Vellore.

5. The Inspector of Police
Kanchi Taluk Police Station,
Kancheepuram District.

6. The Public Prosecutor,
High Court of Madras.

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AND
B.KARTHIKEYAN, J.

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