Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

HCP.No.1348 of 2026

CNR: {HCMA011691332026}

Kaliyaperumal

..Petitioner(s)

Vs.

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

2. The District Collector and District Magistrate of
   Cuddalore District, Cuddalore.

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

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

5. The Inspector of Police,
   All Women Police Station, Panruti,
   Cuddalore District.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, calling for the records in connection with the order of Detention passed by the second respondent dated 14.07.2026 bearing No.C3/D.O/26/2026 against the petitioner's son namely, Vijayaganapathi, Male, aged 28 years, S/o. Kaliyaperumal, who is confined in the Central Prison, Cuddalore, set aside the same and to consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

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For Petitioner(s) : Mr.D.Balaji

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

ORDER

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

The petitioner is the father of the detenu viz., Vijayaganapathi, son of Kaliyaperumal, aged about 28 years. The detenu has been detained by the second respondent by his order in No.C3/D.O/26/2026, dated 14.07.2026, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (TN Act 14, 1982). The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner would submit that the detenu had not filed any application for bail. While so, the detaining authority, relying on another case stating it to be a similar case, has inferred that there is a real possibility of the detenu coming out on bail. The subjective satisfaction recorded by the authority without disclosing the facts of the other case and without any supporting material, is a mere *ipse dixit*. Hence, he prays for setting aside the impugned detention order.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

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4. When no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Therefore, the subjective satisfaction arrived at by the detaining authority is an *ipse dixit*. That apart, the similar case relied on also does not pertain to a co-accused and it pertains to a different crime number. 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.

5. In the result, the Habeas Corpus Petition stands **allowed** and the order of detention bearing No.C3/D.O/26/2026, dated 14.07.2026, passed by the second respondent, is hereby set aside. The detenu, viz., Vijayaganapathi, son of Kaliyaperumal, aged about 28 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.)
30.10.2026

skt

Neutral Citation: Yes/No

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To:

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Home, Prohibition & Excise Department,
Secretariat, Chennai – 600 009.

2. The District Collector and District Magistrate of
Cuddalore District, Cuddalore.

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

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

5. The Inspector of Police,
All Women Police Station, Panruti,
Cuddalore District.

6. The Public Prosecutor,
Madras High Court.

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A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

skt

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