Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1491 of 2026

Case QR

CNR:{HCMA011929402026}

Murugan ..Petitioner(s)

Vs

1. State of Tamil Nadu rep. by,
   The Additional Chief Secretary
   Home Prohibition and Excise Department,
   Fort St. George,
   Chennai – 600009.

2. The Commissioner of Police,
   Greater Chennai,
   Vepery, Chennai – 600 007.

3. The Superintendent of Prison,
   Central Prison – II,
   Puzhal, Chennai – 600 066.

4. The Inspector of Police
   V-7, Nolambur Police Station,
   Chennai. ..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 direction calling for the records relating to the detention order in Memo No.337/BBCDEFGISSSV/2026 dated 18.07.2026 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the

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respondent to produce the petitioner's son Meshak, S/o. Murugan, aged about 22 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioners son Meshak, S/o. Murugan, aged about 22 years the detenu herein at liberty.

For Petitioner(s): Mr.R.Muthukumar

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

ORDER

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

The petitioner, who is the father of the detenu Meshak, male, aged 22 years, son of Murugan, has come forward with this petition challenging the detention order passed by the second respondent in No.337/ BBCDEFGISSSV/ 2026, dated 18.07.2026 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

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further submitted that the similar case relied upon by the detaining authority was the order passed by this Court in Crl.O.P.No.30749 of 2024, dated 10.12.2024, in which the accused therein had committed the murder of his father. However, as far as the case of the detenu is concerned, in the ground case, the alleged murder of an unrelated third party was committed on account of a dispute that arose out of fetching water. Therefore, the order relied on by the detaining authority cannot be treated 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 No.337/BBCDEFGISSSV/2026, dated 18.07.2026, passed by the second respondent, is set aside. The detenu, viz., Meshak, son of Murugan, aged about 22 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(A.D.J.C.,J.) (B.K.,J.)
03-11-2026

Neutral Citation: Yes/No

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To

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

2. The Commissioner of Police,
   Greater Chennai,
   Vepery, Chennai – 600 007.

3. The Superintendent of Prison,
   Central Prision-II,
   Puzhal, Chennai – 600 066.

4. The Inspector of Police
   V-7, Nolambur Police Station,
   Chennai.

5. The Public Prosecutor,
   High Court of Madras.

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