



H.C.P. No.1714 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.01.2026

Coram:

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

H.C.P. No.1714 of 2025

Kirubakaran

.. Petitioner

Vs.

1. State rep. by its
Home Secretary to the Govt. of Tamil Nadu
Home Prohibition and Excise Department
Fort St. George, Tiruvallur
2. The District Magistrate and District Collector
Tiruvallur District, Tiruvallur
3. The Superintendent of Police
Tiruvallur
4. The Inspector of Police
B-6, Mappedu Police Station
Tiruvallur
5. The Superintendent of Prison
Central Prison, Puzhal, Chennai-66

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to call for the records relating to the order of detention passed by the 2nd respondent dated 12.07.2025 in B.C.D.F.G.I.S.S.S.V. No.15/2025 against the petitioner's son, Vasanth @ Vasanth Kumar, the detenu, Male, aged about 23 years, son of Kirubakaran, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.



H.C.P. No.1717 of 2025

For Petitioner : Mr.S.Rajesh
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 relating to the order of detention passed by the 2nd respondent dated 12.07.2025 in B.C.D.F.G.I.S.S.S.V. No.15/2025 against the petitioner's son, Vasanth @ Vasanth Kumar, the detenu, Male, aged about 23 years, son of Kirubakaran, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu 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 of non application of mind on the part of the detaining authority in passing the order of detention while arriving at the subjective satisfaction under which the detenu has been detained in the ground case, which has adversely affected the detenu's right of making an effective representation. He would submit that the Section of offence has not been properly mentioned in the detention order. Further, in the English version of the bail petition filed by the accused in the similar case referred to by the detaining authority, the date is



H.C.P. No.1717 of 2020

mentioned as 30th June 2020, whereas in the Tamil version it is mentioned as 30.06.2021.

3. The learned Additional Public Prosecutor submitted that due to motive rival groups attacked each other, in which one person died and since the detenu involved in the serious crime, the detention order was passed.

4. A reading of the materials and the order passed by the detaining authority shows non application of mind on the part of the detaining authority in passing the order of detention and thereby, prevented the detenu from giving effective representation. Therefore, this Court is inclined to quash the detention order.

5. Accordingly, the order of detention passed by the 2nd respondent dated 12.07.2025 in B.C.D.F.G.I.S.S.S.V. No.15/2025 against the petitioner's son, Vasanth @ Vasanth Kumar, aged about 23 years, S/o. Kirubakaran, is hereby quashed.

6. The detenu Vasanth @ Vasanth Kumar, S/o. Kirubakaran, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

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

(P.V., J) (M.J.R., J)
06.01.2026
(3/3)

ksa-2

Neutral Citation: Yes/No

Page No.3/5



H.C.P. No.1717 of 2020

To

1. The Home Secretary
Home Prohibition and Excise Department
Fort St. George, Tiruvallur
2. The District Magistrate and District Collector
Tiruvallur District, Tiruvallur
3. The Superintendent of Police
Tiruvallur
4. The Inspector of Police
B-6, Mappedu Police Station
Tiruvallur
5. The Superintendent of Prison
Central Prison, Puzhal, Chennai-66
6. The Public Prosecutor,
High Court, Madras.



H.C.P. No.1714 of 2025

P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

ksa-2

H.C.P. No.1714 of 2025

06.01.2026
(3/3)

Page No.5/5