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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

Case QR

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1592 of 2026

CNR: {HCMA011974502026}

Devi ..Petitioner(s)

Vs

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

2. The Commissioner of Police
   Greater Chennai,
   Office of Commissioner of Police,
   Vepery, Chennai – 7.

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

4. The Inspector of Police
   K3, Aminjikarai 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 to calling for the records in Memo No.209/BBCDEFGISSSV/2026 passed by the 2nd respondent on 06.04.2026, on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondent to produce petitioner son Subramani son of Manivel, aged

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about 28 years before this Court, who is now detained in Central Prison, Puzhal – II, Chennai and set him at liberty.

For Petitioner(s): Mr.A.Elumalai

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

ORDER

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

The petitioner, who is the mother of the detenu Subramani, male, aged 28 years, son of Manivel, has come forward with this petition challenging the detention order passed by the second respondent in No.209/BBCDEFGISSSV/2026, dated 06.04.2026, branding the detenu as a "Goonda" under Section 2(f) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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3. Though several grounds have been raised in the habeas corpus petition, the learned counsel appearing for the petitioner would mainly focus his arguments on the ground of non-application of mind on the part of the detaining authority while passing the impugned detention order.

4. Learned counsel appearing for the petitioner submitted that as per the ground case, the alleged occurrence is said to have taken place inside a house, whereas the detaining authority observed that the detenu had committed a grave crime, thereby creating an alarm and a feeling of insecurity in the minds of the people of the area and acting in a manner prejudicial to the maintenance of public order. This shows non application of mind on the part of the detaining authority and hence, the detention order is liable to be set aside.

5. Learned Additional Public Prosecutor, on instructions, submitted that after being satisfied with the materials placed by the Sponsoring Authority, the Detaining Authority passed the impugned detention order with proper application of mind and that there is no illegality or infirmity in the detention order. Hence, he prayed for the dismissal of the habeas corpus petition.

6. A perusal of the grounds of detention shows that the alleged occurrence in Crime No.195 of 2026 took place inside a house. However, the detaining authority, in the detention order, has stated otherwise. Though the

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detaining authority observed that the detenu had acted in a manner prejudicial to the maintenance of public peace, no supporting material has been placed on record to substantiate the same. This clearly reflects non-application of mind on the part of the detaining authority in passing the order of detention. The impugned detention order, therefore, stands vitiated.

7. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority and hence, the impugned detention order is liable to be set aside.

8. In the result, this Habeas Corpus Petition is allowed and the order of detention in No.209/BBCDEFGISSSV/2026, dated 06.04.2026, passed by the second respondent, is set aside. The detenu, viz., Subramani, son of Manivel, 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.)
17-11-2026

Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai.

2. The Commissioner of Police
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai – 7.

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

4. The Inspector of Police
K3, Aminjikarai Police Station,
Chennai.

5. The Public Prosecutor,
High Court of Madras.

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

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