Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1756 of 2026

CNR: {HCMA011979082026}

Jenava ..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.Goerge,
   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,
   Chennai.

4. The Inspector of Police,
   H5, New Washermenpet 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.271/BBCDEFGISSSV/2026 passed by the 2nd Respondent on 22.06.2026 on the file of the 2nd respondent and quash the same as illegal and consequently

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direct the respondent to produce petitioner's friend Naveenkumar son of Duraibabu, aged about 26 years before this Court who is now detained at the 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 Naveenkumar son of Duraibabu, aged about 26 years, has come forward with this petition challenging the detention order passed by the second respondent in No.271/BBCDEFGISSSV/2026 dated 22.06.2026 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. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

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3. The learned counsel for the petitioner submitted that the detenu had not filed any application for bail in respect of the ground case so far. While so, the detaining authority, relying on another case by stating it to be a similar case, inferred that there is a real possibility of the detenu coming out on bail. He further submitted that the subjective satisfaction recorded by the detaining 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.

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 a mere *ipse dixit.* Further, 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, this Habeas Corpus Petition is allowed and the order of detention in No.271/BBCDEFGISSSV/2026, dated 22.06.2026, passed by the second respondent, is set aside. The detenu, viz., Naveenkumar son of

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Duraibabu, 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.)
28-10-2026

Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary to the 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,
Chennai.

4. The Inspector of Police
H-5, New Washermenpet Police Station,
Chennai.

5. The Public Prosecutor,
High Court of Madras.

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AND
B.KARTHIKEYAN, J.

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