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.1732 of 2026

CNR: {HCMA012134682026}

Janaki

..Petitioner(s)

Vs.

1. State of Tamil Nadu rep. by,
   The Additional Chief Secretary to Government,
   Home, Prohibition & Excise Department,
   Fort St. George, Chennai – 600 009.

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

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

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

..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 relating to the detention order in Memo No.332/BBCDEFGISSSV/2026, dated 18.07.2026 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982, set aside the same and to consequently, direct the respondents to produce the petitioner's son, namely, Parivallal S/o. Azhagusekar, aged 33 years, the detenu,

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now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner(s) : Mr.P.Praveen Kumar

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

ORDER

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

The petitioner is the mother of the detenu, viz., Parivallal, son of Azhagusekar, aged about 33 years. The detenu has been detained by the second respondent by his order in No.332/BBCDEFGISSSV/2026, dated 18.07.2026, holding him to be a "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Preventive Detention Act,1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner submitted that the detaining authority, while relying on another case 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 order relied upon by the detaining authority is the order dated 10.12.2024 passed in Crl.O.P.No.30749 of 2024 in respect of Crime No.644 of 2024 by this Court. In that case, there is no reference to any previous case pending against the accused therein, whereas, as far as the case of the detenu herein is concerned, he has three previous cases. Therefore, it cannot be taken as a similar case. Hence, he prayed to set aside the impugned detention order.

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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 to infer that there is a real possibility of the detenu in coming out on bail, 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.

5. In the result, this Habeas Corpus Petition stands **allowed** and the order of detention in No.332/BBCDEFGISSSV/2026, dated 18.07.2026, passed by the second respondent, is set aside. The detenu, viz., Parivallal, son of Azhagusekar, aged about 33 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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Chennai.

5. The Public Prosecutor,
Madras High Court.

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AND
B.KARTHIKEYAN, J.

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