



WEB COPY



H.C.P.No.1846 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1846 of 2025

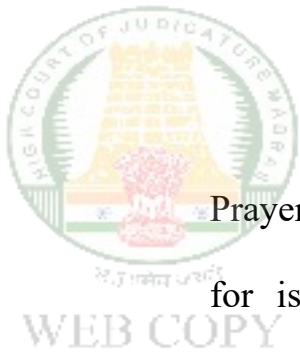
Devaiyanai, Female, aged 55 years,
W/o. Jayakumar,
No.3/341, Pillaiyar Kovil Street,
Semmankuttai Village,
Melmayil Post, K.V.Kuppam Taluk,
Vellore District.

.. Petitioner

VS

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate of
Vellore District, Vellore.
- 3.The Superintendent of Police,
Vellore District, Vellore.
- 4.The Superintendent of Prison,
Central Prison, Vellore.
- 5.The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

.. Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 31.08.2025 in C3/D.O.No.30/2025 against the petitioner's son Vadivarasan, Male, aged 28 years, S/o. Jayakumar, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.P.Raman
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER
(Made by Dr. ANITA SUMANTH, J.)

This petition is filed by the mother of Vadivarasan, S/o Jayakumar who has been branded as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act) and confined in Central Prison, Vellore.

2. Learned counsel for the petitioner challenges the detention order on several grounds, emphasizing primarily that the subjective satisfaction accorded by the authority has no basis.



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3. We have heard learned Additional Public Prosecutor who supports the impugned order.

4. The detaining authority in the order of detention dated 31.08.2025 has justified the detention on the ground that the detenu is likely to be enlarged on bail comparing his case to the case of the accused in CrI.M.P.No.1915 of 2024 where bail was granted on 22.11.2024.

5. We have perused bail order dated 22.11.2024 passed by the Principal District and Sessions Judge, Kanchipuram and find that the facts on the basis of which bail was granted in that case are different and distinct when compared to the facts in the present case. The detenu has three adverse cases, and had sought bail, which was dismissed.

6. In the case of the accused in CrI.M.P.No.1915 of 2024, the offence is a solitary offence and bail was granted on the basis of a compromise between the parties. Hence, we find nothing comparable between the facts in that case and the present case and agree with the petitioner that the subjective satisfaction on the basis of which the detention order was passed, stands vitiated on this score.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O.No.30/2025, dated 31.08.2025 is set aside.



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8. The detenu, viz., Vadivarasan, S/o. Jayakumar, aged 28 years,

who is now confined in Central Prison, Vellore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
01.04.2026

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes

vs

Note : Issue Today

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate of
Vellore District, Vellore.
- 3.The Superintendent of Police,
Vellore District, Vellore.
- 4.The Superintendent of Prison,
Central Prison, Vellore.
- 5.The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
- 6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 7.The Public Prosecutor,
High Court, Madras.

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and
SUNDER MOHAN,J.

vs

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