Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

Case QR

HCP.No.1972 of 2026

CNR: {HCMA012195832026}

Malathi

..Petitioner(s)

Vs.

1. The Additional Chief Secretary to Government,
   Home, Prohibition & Excise Department,
   Secretariat, Chennai – 600 009.

2. The Commissioner of Police,
   Greater Chennai,
   Vepery, Chennai District.

3. The Superintendent of Prison,
   Central Prison,
   Puzhal, Chennai.

4. The Inspector of Police,
   S-1, St. Thomas Mount Police Station,
   Chennai District.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 20.01.2026 in BBCDEFGISSSV No.25/2026 against the petitioner's son, namely, Dinesh, S/o. Pandiyan, aged about 24 years, who is confined in the Central Prison, Puzhal, Chennai, set aside the same and to consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner(s) : Mr.A.Samson

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., Dinesh, son of Pandiyan, aged about 24 years. The detenu has been detained by the second respondent by his order in BBCDEFGISSSV No.25/2026, dated 20.01.2026, holding him to be a "Drug Offender" as contemplated under Section 2(e) 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 15.12.2020 passed in Crl.M.P.No.1842 of 2020 in respect of Crime No.476 of 2020, by the learned Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai. 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 nine previous cases. Therefore, it cannot be taken as a similar case. Hence, he prayed to set aside the impugned detention order.

https://www.mhc.tn.gov.in/judis

WEB COPY

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 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 BBCDEFGISSSV No.25/2026, dated 20.01.2026, passed by the second respondent, is set aside. The detenu, viz., Dinesh, son of Pandiyan, aged about 24 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.)
04.11.2026

skt

Neutral Citation: Yes/No

https://www.mhc.tn.gov.in/judis

WEB COPY

To:

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai – 600 009.

2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai District.

3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

4. The Inspector of Police,
S-1, St. Thomas Mount Police Station,
Chennai District.

5. The Public Prosecutor,
Madras High Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

skt

HCP.No.1972 of 2026

04.11.2026

https://www.mhc.tn.gov.in/judis