Order QR

WEB COPY

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.1873 of 2026

CNR: {HCMA012286012026}

Rajan ..Petitioner(s)

Vs

1. The Additional Chief Secretary to the Government,
   Home, Prohibition and Excise (XVI) Department,
   Secretariat, Chennai – 600 009.

2. The Commissioner of Police,
   Avadi City.

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

4. The Inspector of Police,
   Law and Order,
   M-7, Manali New Town Police Station,
   Chennai District. ..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus or any other Writ or Direction calling for the entire records connected with No.165/TNPD/APC/2026 on 18.06.2026 the file of the second respondent and quash the same and direct the respondents to produce the person of petitioner's son one named Bharathirajan, S/o Rajan aged about 30 years now confined at the Central Prison, Puzhal, before this Court and set him at liberty forthwith.

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

WEB COPY

For Petitioner(s): Mr. P.Muthamizhselvakumar

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

ORDER

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

The petitioner is the father of the detenu, viz., Bharathirajan, son of Rajan, aged about 30 years. The detenu has been detained by the second respondent by his order in No.165/TNPD/APC/2026, dated 18.06.2026, holding him to be a "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Preventive Detention Act,1982 (TN 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 and stating it to be a similar case, had inferred that there was a real possibility of the detenu coming out on bail. He further submitted that the similar order relied upon by the detaining authority was the order passed by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.18385 of 2021, dated 21.10.2021. In that case, the learned Principal Sessions Judge, considering the facts that the co-accused therein had been granted bail by the High Court, the petitioners therein had been in custody for

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

WEB COPY

more than 80 days and that a major part of the investigation might have been completed at that time, had granted bail to the petitioners therein. However, as far as the case of the detenu is concerned, none of the co-accused has been enlarged on bail and consequently, there is no possibility of the detenu coming out on bail. Therefore, the order dated 21.10.2021 passed in Crl.M.P.No.18385 of 2021 cannot be taken as a similar case. Hence, he prayed to set aside the impugned detention order.

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 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 is allowed and the order of detention in No.165/TNPD/APC/2026, dated 18.06.2026, passed by the

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

WEB COPY

second respondent, is set aside. The detenu, viz., Bharathirajan, son of Rajan, aged about 30 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

ham

To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai – 600 009.

2. The Commissioner of Police,
Avadi City.

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

4. The Inspector of Police,
Law and Order,
M-7, Manali New Town Police Station,
Chennai District.

5. The Public Prosecutor,
High Court of Madras.

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

WEB COPY

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

ham

H.C.P.No.1873 of 2026

28-10-2026

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