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.1870 of 2026

CNR: {HCMA012288732026}

Sundari Poongavanam ..Petitioner(s)

Vs

1. State of Tamil Nadu,
   Rep, by its Secretary to Government,
   Home, Prohibition and Excise Department,
   Fort St.George, Chennai – 600 009.

2. The Commissioner of Police,
   Tambaram City,
   Sholinganallur,
   Chennai – 600 119.

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

4. The Inspector of Police,
   Thirumudivakkam Police Station,
   Chengalpattu 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 order or direction in the nature of a Writ, calling for the records relating to the order of detention passed by the 2nd respondent in BBCDEFGISSSV No.162/2025, dated 27.11.2025, quash the same and direct the respondents to produce the detenu P.Kaviarasan (aged about

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22 years) son of Poongavanam (now lodged at Central Prison, Puzhal) before this Court and set him at liberty.

For Petitioner(s): Mr. P.Suresh 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., P.Kaviarasan, son of Poongavanam, aged about 22 years. The detenu has been detained by the second respondent by his order in BBCDEFGISSSV No.162/2025, dated 27.11.2025, holding her 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 detenu had not filed any application for bail. While so, the detaining authority, relying on another case by stating it to be a similar case, inferred that there was 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 said case and without any supporting material, is a mere *ipse dixit*. Hence, he prayed for setting 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. 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 BBCDEFGISSSV No.162/2025, dated 27.11.2025, passed by the second respondent, is set aside. The detenu, viz., P.Kaviarasan, son of Poongavanam, aged about 22 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 Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.

2. The Commissioner of Police,
Tambaram City,
Sholinganallur,
Chennai – 600 119.

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

4. The Inspector of Police,
Thirumudivakkam Police Station,
Chengalpattu District.

5. The Public Prosecutor,
High Court of Madras.

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AND
B.KARTHIKEYAN, J.

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