



H.C.P. No.1961 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.01.2026

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P. No.1961 of 2025

Jayakumari

.. Petitioner

Vs.

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

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

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

4. The Inspector of Police
D-5, Marina Police Station, Chennai

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to call for the records in connection with the order of detention passed by the second respondent dated 14.09.2025 in Memo No.692/BBCDEFGISSSV/2025 against the petitioner's husband Moorthi S/o.Dhanapal, aged about 55 years who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.V.Parthiban

For Respondents : Mr.R.Muniyapparaj, Additional Public Prosecutor
assisted by Mr.M.Sylvester John



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ORDER

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(The Order of the Court was made by P.Velmurugan, J)

This Habeas Corpus Petition has been filed to call for the records in connection with the order of detention passed by the second respondent dated 14.09.2025 in Memo No.692/BBCDEFGISSSV/2025 against the petitioner's husband Moorthi S/o.Dhanapal, aged about 55 years who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

2. Though the learned counsel for the petitioner took several grounds to quash the impugned order of detention, he focused mainly on the grounds that in the statements recorded by the Sponsoring Authority, no date is mentioned. Even the Special Report submitted by the Sponsoring Authority to the detaining authority, is nil dated. Further, the detenu is a male, whereas in the Special Report submitted by the Sponsoring Authority, it mentioned as the detenu has been detained in the Special Prison for Women, Puzhal, which itself would show that while passing the order of detention, the detaining authority had not applied its mind. Further, the arrest intimation with respect to the last adverse case was served to the detenu on 14.09.2025 at 11.35 a.m. and the detention order was passed on the same day and served to the detenu on the same day at 5.00 p.m. which is humanly not possible to go through the entire papers and prepare the

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necessary grounds to pass the detention order, as there are several statements mentioned in the booklet submitted by the sponsoring authority. Further, the remand order dated 08.09.2025, the true copy was received by the police only on 18.09.2025. Therefore, there is no possibility of placing the remand order before the detaining authority, as the detention order was passed on 14.09.2025. Even the first statement made before the doctor and the entry made in the Accident Register, it is mentioned as assault by 2 unknown persons. However, in the clear copy, there is no mentioning about the number of persons, which also shows that the detention authority had not applied its mind. Further, the detenu made a representation on 22.09.2025 and the same was not considered and disposed within a reasonable time. Further, it is a case in counter. However, the materials with respect to the counter case were not placed before the detaining authority by the sponsoring authority which also vitiate the detention order. Further, the accused who was granted bail in the similar case, referred to by the detaining authority, has got only one previous case, whereas in the present case, there are 3 adverse cases and 7 previous cases against the detenu. Therefore, the case referred to by detaining authority for possibility of getting bail, is entirely different, which also creates doubt that the detaining authority has not applied its mind while passing the detention order. To support his contention, the learned counsel placed reliance on the following judgments:



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1. *H.C.P.No.728 of 2024 dated 01.07.2024 (Lakshmi vs. The Secretary to Government & Others)*

2. *H.C.P.No.95 of 2025 dated 30.01.2025 (Gomathi Vs. The Additional Chief Secretary to Government and Others)*

3. *H.C.P.No.350 of 2005 dated 23.08.2005 (Sekar Alias Karadi Sekar Vs. Commissioner of Police, Greater Chennai)*

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner had filed a petition before this Court for advance hearing on medical grounds and the same was also allowed and subsequently, he had not taken the stand of releasing him on medical ground and he took other grounds on merits. As far as the supply of remand order is concerned, as stated by the learned counsel for the petitioner, it was not supplied on 18.09.2025 and the same was supplied much earlier to passing of the detention order. Further there is no prejudice caused to the detenu. The detenu is a B.Sc graduate. The Jail Superintendent, while supplying the booklet, explained all the things to the detenu and the detenu is well aware of the facts of the case. As far as the representation made by the petitioner is concerned, before getting approval of the Government for the detention order, if any representation is made, it cannot be considered as the detaining authority may not know whether the Government



would approve the order of detention or not and therefore, the said ground taken by the counsel for the petitioner is not acceptable. The detenu has got adverse and previous cases and caused immense threat to the public order. Therefore, none of the grounds taken by the detenu for quashing the detention order can be sustained. Hence, this petition is liable to be dismissed.

4. A perusal of records shows that the detaining authority has passed the detention order on 14.09.2025. A reading of the Special Report referred to by the learned counsel for the petitioner shows that no date is mentioned. Further, it is mentioned that the detenu has been detained in Special Prison for Women, Puzhal, whereas the detenu is a male, which itself shows that the detaining authority has not gone through the materials supplied by the Sponsoring Authority and also not applied mind while passing the impugned detention order. Further, in the statements said to have been recorded by the Sponsoring Authority from the witnesses and supplied to the detenu also, no date is mentioned. Further, there is no material to show that the materials with regard to the counter case, were supplied to the detaining authority by the Sponsoring Authority, which also amounts to suppression of material. Even though in the Accident Register it is mentioned as assault by 2 unknown persons, however, in the complaint and subsequent FIR, the name of the detenu is mentioned as accused, as if he assaulted the defacto complainant with knife. Further, the detenu is a habitual offender and has got



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adverse and previous cases against him, whereas, the accused in the similar case referred to by the detaining authority for possibility of coming out on bail, has got only one previous case against him. Therefore, this Court finds that the detaining authority not applied his mind while passing the impugned detention order to arrive at the subjective satisfaction, which vitiates the order of detention. Therefore, this Court is inclined to quash the detention order.

5. Accordingly, the order of detention passed by the second respondent dated 14.09.2025 in Memo No.692/BBCDEFGISSSV/2025 against the detenu namely Moorthi aged about 55 years S/o.Dhanapal, is hereby quashed on the ground of application of mind.

6. The detenu Moorthi S/o.Dhanapal, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

7. With the above direction, this Habeas Corpus Petition is allowed.

(P.V., J) (M.J.R., J)
30.01.2026

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Neutral Citation: Yes/No



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To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The Commissioner of Police
Greater Chennai, Vepery
Chennai – 600 007
3. The Superintendent of Prison
Central Prison at Puzhal, Chennai – 600 066
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D-5, Marina Police Station, Chennai
5. The Public Prosecutor,
High Court, Madras.



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