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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

HCP No. 1999 of 2026

CNR: {HCMA012382762026}

Kowsalya
W/o Ramesh,
No.138, New Colony,
Thirumalpur, Nemili Taluk,
Ranipet District.

Case QR

..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
   Rep. by its Secretary,
   Home Prohibition and Excise Department,
   Secretariat, Chennai.

2. The District Collector and District Magistrate,
   Office of the District Collector and District
   Magistrate, Ranipet District, Ranipet.

3. The Superintendent of Police
   Office of the Superintendent of Police,
   Ranipet District.

4. The Superintendent of Prison
   Central Prison, Vellore.

5. The Inspector of Police
   Nemili Police Station,
   Ranipet District.
   Crime No. 106 of 2026

..Respondent(s)

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus or any other

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appropriate writ, order or direction in the nature of writ calling for the records in detention order No.B3/D.O. No.23/2026, dated 06-06-2026, on the file of the 2nd Respondent, quash the same and direct the Respondents herein to produce the petitioner's son Premkumar, aged 26 years, S/o. Ramesh, Who is now confined in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner(s): Mr. S.Silambuselvan

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

ORDER

(Order of the Court was made by A.D.Jagadish Chandira J.)

The petitioner is the mother of the detenu viz.,Premkumar, son of Ramesh, aged about 26 years. The detenu has been detained by the second respondent by his order in B3/D.O. No.23/2026, dated 06-06-2026, holding him to be a "Goonda", as contemplated under Section 2(f) of 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 passed by the learned Principal Sessions Judge, Ranipet, in Cr.M.P.No.942 of 2025, dated 14.07.2025. In that case, the learned Sessions Judge had granted bail to the accused therein, taking into consideration the fact that investigation

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was almost completed and the injured persons had been discharged from hospital. As far as the detenu is concerned, he has got two previous cases and the investigation is still in progress and the injured was taking treatment as inpatient in the hospital and therefore, the order dated 14.07.2025 in Crl.M.P.No.942 of 2025 cannot be treated as a similar case for the purpose of arriving at the subjective satisfaction that there was a real possibility of the detenu being released on bail. 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.

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5. In the result, the Habeas Corpus Petition is allowed and the order of detention inB3/D.O. No.23/2026 dated 14.07.2025, passed by the second respondent is set aside. The detenu, viz.,Premkumar, son of Ramesh, aged about 26 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.)
05-11-2026

RAA

To

1. The Secretary,
   Home Prohibition and Excise Department,
   Government of Tamil Nadu
   Secretariat, Chennai.

2. The District Collector and District Magistrate
   Office of the District Collector and District Magistrate,
   Ranipet District, Ranipet.

3. The Superintendent of Police
   Office of the Superintendent of Police,
   Ranipet District.

4. The Superintendent of Prison
   Central Prison, Vellore.

5. The Inspector of Police
   Nemili Police Station,
   Ranipet District.

6. The Public Prosecutor,
   High Court, Madras.

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

RAA

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