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H.C.P.No.2193 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2193 of 2025

Velankanni, F/A 52 years,
W/o. Pushparaj,
No.15275/NA, Kannaki Nagar VTC
Okkiyam, Thuraipakkam Post,
Sholinganallur, Kancheepuram District.

.. Petitioner

VS

1.State of Tamil Nadu

Rep. By its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,

Greater Chennai,

Office of the Commissioner of Police (Goondas Section),
Vepery, Chennai – 07.

3.The Superintendent of Prison,

Central Prison, Puzhal, Chennai District.

4.The Inspector of Police,

G-2 Periamet Police Station,
Chennai District.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying
for issuance of Writ of Habeas Corpus to call for the records relating to
the detention order vide No.560/BBCDEFGISSSV/2025 dated



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11.08.2025 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son namely Silambarasan @ Tamilarasan @ Pavadai, S/o. Pushparaj, aged 30 years (who is presently under going detention in the Central Prison, Puzhal, Chennai) before this Court and set him at liberty.

For Petitioner : Mr.P.Vignesh
for Mr.R.Rajadurai

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

ORDER

(Made by Dr. ANITA SUMANTH, J.)

The petitioner's son - Silambarasan @ Tamilarasan @ Pavadai, S/o. Pushparaj has been detained in Central Prison, Puzhal, under order of detention dated 11.08.2025 branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) and the petitioner has filed this petition seeking to quash the same.

2. Learned counsel for the petitioner would submit that neither the detenu nor any family member has moved an application for bail, and hence the apprehension of the detaining authority that the detenu would be enlarged on bail has no basis whatsoever.

3. We have heard learned Additional Public Prosecutor for respondents also on this aspect of the matter.



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4. The booklet furnished to the detenu contains the grounds and supporting material, a copy of which has supplied to us. The booklet contains a statement under Section 180(3) of BNS at page 30 thereof. It is that statement that has been relied on by the detaining authority to support his apprehension and subjective satisfaction that the detenu would be enlarged on bail.

5. However, we find that there is nothing to indicate that such a statement has been recorded from the petitioner herein as she has not even signed that statement. We have consistently held that there is a distinction between a statement recorded under Section 180(3) which does not require a signature, and a statement of a relative on the basis of the subjective satisfaction of an authority rests, that the detenu may be enlarged on bail.

6. In the latter case, it is imperative that the statement is signed, in order to give some credence to such statement, and the satisfaction of the authority. In the present case, since it is unsigned, there is no basis whatsoever for the detaining authority to arrive at such a conclusion and we hence eschew the statement.

7. That apart, the booklet at page 10, also contains the List of property sent to magistrate. The list is illegible. As held by the Supreme Court in *Powanammal Vs. State of Tamil Nadu* reported in ((1999) 2 SCC



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413), unless the grounds as well as the supporting material are given to the detenu in a language known that the detenu, he will not be in a position to put forth an effective, defence and this is yet another ground on the basis of which, we find that the detention order is unsustainable.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.560/BBCDEFGISSSV/2025 dated 11.08.2025 is set aside.

9. The detenu, viz., Silambarasan @ Tamilarasan @ Pavadai, S/o. Pushparaj, aged 30 years, is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
20.04.2026

Index: Yes/No
Neutral Citation: Yes
ssm

Note : Issue Today

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),



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Vepery, Chennai – 07.

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

4.The Inspector of Police,
G-2 Periamet Police Station,
Chennai District.

5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

6.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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