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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2489 of 2025

Bhavani

W/o.Harikesavan

NO.73, Irumbulilyur, Erikkarai Street,
Dharmathottam , West Tambaram, Chennai-45

..Petitioner(s)

Vs

1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009
2. The Commissioner of Police
Tambaram City.
3. The Superintendent of Police
Central prison, Puzhal, Chennai-66
4. The Inspector of Police
Law and Order,
T-1, Tambaram Police Station,
Chennai

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas Corpus or any other writ or Order in the nature of writ call for the records in connection with the order of detention passed by the second respondent dated 28.10.2025 in Memo NO.142/BBCDFGISSSV/2025 against the petitioner's son namely Ashok, Male, aged 27 years S/o.Harikesavan who is confined at Central prison, Puzhal and set aside the same and direct the respondent to produce the detenu before the Hon'ble Court and set him at liberty.



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For Petitioner(s):

Ms.S.Rohini

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)ORDER*(Made by Dr.Anita Sumanth J.)*

The mother of one H.Ashok (detenu), S/o. Harikesavan, who was detained as a 'Goonda' under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 28.10.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Ms.Rohini, learned counsel for petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), for the respondents.

4. The subjective satisfaction of the detaining authority is vitiated for the reason that he relies upon an order passed in CMP No. 81 of 2022 dated 28.01.2022 passed by the Judicial Magistrate, Sriperumbudur, to infer that the detenu is likely to come out on bail. However, that accused had no previous case, whereas the detenu has one previous case.



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5. Since the circumstances in the present matter are graver, subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, relying upon order in CMP No. 81 of 2022, is vitiated and the subjective satisfaction of the authority, is mere ipse dixit.

6. This Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.142/2025 dated 28.10.2025 is set aside.

7. The detenu, viz., H.Ashok, S/o.Harikesavan, male aged 27 years, confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

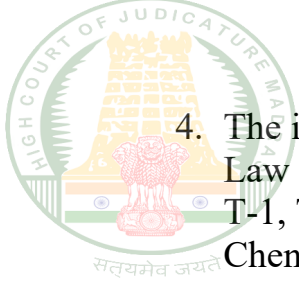
(A.S.M.,J.) (S.M.,J.)
30-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
ssm

Note to Registry : Issue Today

To

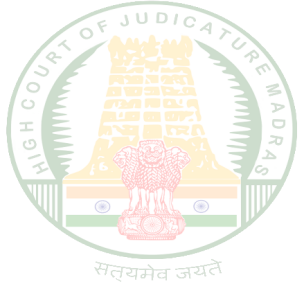
1. The Principal Secretary to Government
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4. The inspector of police
Law and Order,
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5. The Joint Secretary to Government
Public (Law and Order),
Fort St.George, Chennai – 9.
6. The Public Prosecutor,
High Court, Madras.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

ssm

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