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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 79 of 2026

Dinesh Kumar

..Petitioner(s)

Vs

1. State of Tamilnadu
   Rep. by its Secretary to Government
   Home, Prohibition and Excise Department,
   Secretariat, Fort St.George,
   Chennai -600 009.

2. The Commissioner of Police
   Avadi Commissionerate,
   Avadi City,
   Thiruvallur District.

3. The Superintendent of Prisons
   Central Prison, Puzhal-II,
   Chennai- 600 066.

4. State By:
   The Inspector of Police
   E-3 Minjur Police Station,
   Thiruvallur District.
   Crime No. 735/2025.

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the entire records in connection with the detention order No.187/TNPD/APC/2025 dated 17.12.2025 passed by the 2nd respondent herein against him the detenu herein, Thiru. Dinesh Kumar, Male, Aged 29 years, S/o.Devakumar, detained him under

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TamilNadu Act 14 of 1982, and branding him as Goonda and now he is confined in Central Prison, Puzhal -II, Chennai and same may be quashed by this Court and to direct the respondents to produce the body of detenu before this Court and set him at liberty.

For Petitioner(s): MR.R.VINOTH KUMAR

For Respondent(s): Mr.Mohamed Riyaz
Governemnt Advocate (Crl.side)

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the second respondent in No.187/TNPD/APC/2025 dated 17.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3.Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of mind on the part of the detaining authority in arriving at the subjective satisfaction while passing the impugned order of detention.

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4.The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case. He further submitted that in respect of the main accused in the ground case, the detention order has been revoked already vide G.O. Rt.No.689, Home, Prohibition and Excise (XIII) Department dated 29.01.2026. Hence, he prayed that the impugned detention order passed against the detenu may be quashed as there is non application of mind on the part of the Detaining Authority in arriving at the subjective satisfaction.

5.The said submission made by learned counsel appearing for the petitioner has not been disputed by learned Government Advocate.

6.On considering the submissions made by both sides, it is seen that without taking note of the G.O. Rt.No.689, Home, Prohibition and Excise (XIII) Department dated 29.01.2026 revoking the detention order passed in respect of the main accused, the impugned detention order has been passed as against the detenu herein, which clearly shows non application of mind on the part of the Detaining Authority. Therefore, the impugned preventive detention order deserves to be dislodged.

7. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent in in No.187/TNPD/APC/2025 dated

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17.12.2025 is hereby set aside. The detenu viz., Thiru. Dinesh Kumar, Male, Aged 29 years, S/o.Devakumar is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
12-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SLI

To

1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai -600 009.

2.The Commissioner of Police
Avadi Commissionerate,
Avadi City,
Thiruvallur District.

3.The Superintendent of Prisons
Central Prison,
Puzhal-II, Chennai- 600 066.

4.The Inspector of Police
E-3 Minjur Police Station,
Thiruvallur District.
Crime No. 735/2025.

5.The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9

6.The Public Prosecutor
High Court, Madras.

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N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.

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