

HCP No.116 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.116 of 2026

Kalpana
W/o.Anandan,
No.103, Mambalam High Road,
T.Nagar,
Chennai - 600 017.

...Petitioner/Mother of
the Detenue

Vs

1. State Rep.by,
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai, Chennai.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
R4, Soundarapandiyanar Angadi Police Station,
Chennai.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying
for issuance of Writ of Habeas Corpus, calling for the records in



HCP No.116 of 2026

No.991/BBCDEFGISSSV/2025 passed by the 2nd respondent dated on 26.11.2025 and set aside the same and directing the respondents to produce the Detenu viz., Dhinakaran @ Dheena, S/o. Anandan, aged about 26 years who is now detained in Central Prison, Puzhal, Chennai before this Court and set the detenu at liberty forthwith.

For Petitioner: Mr.R.Ganesh

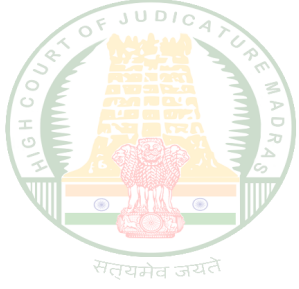
For Respondents: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

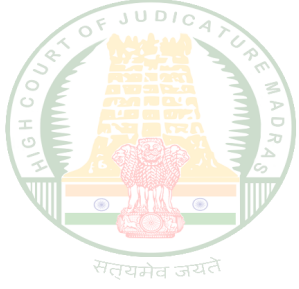
The mother of the detenu – Dhinakaran @ Dheena, S/o.Anandan, aged 26 years, has filed this petition challenging the detention order dated 26.11.2025, branding him as ‘Goonda’ under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for the respondents.



3. Though several grounds have been raised, we are of the view that the impugned detention order is liable to be quashed on the ground that the subjective satisfaction of the detaining authority that the detenu acted in a manner prejudicial to public safety and maintenance of public order and that it is necessary to detain him in order to prevent him from further indulging in such activities suffers from non-application of mind.

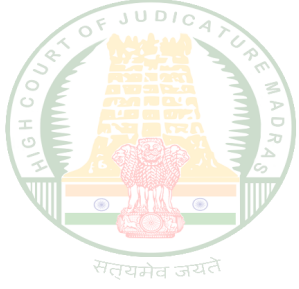
4. The detenu has no adverse cases. In the ground case, it is alleged that on 02.11.2025 at about 3.10 hours, when the detenu and his brother/the deceased, viz., Saran @ Bathri, were chatting with other relatives in their house, both of them were inebriated; that the deceased is said to have teased the detenu, as a result of which, the detenu and the deceased entered into a wordy altercation; and that thereafter, the detenu inflicted a stab wound on the chest of the deceased, which resulted in the death of the deceased.



5. Admittedly, the occurrence is said to have taken place in the house where the deceased and the detenu lived. There is absolutely no allegation that the detenu had any prior motive to cause the death of his brother. The occurrence is said to have taken place due to a sudden quarrel. The act was not premeditated. The act of the detenu, if proved, would definitely constitute an offence. However, the question is whether the detenu who had committed the said act had acted in a manner prejudicial to the public and the maintenance of public order.

6. In Ram *Manohar Lohia v. State of Bihar and Another*, reported in AIR 1966 SC 740, the Hon'ble Supreme Court has made a distinction between "law and order" and "public order". The relevant portion in the said judgment is extracted hereunder:

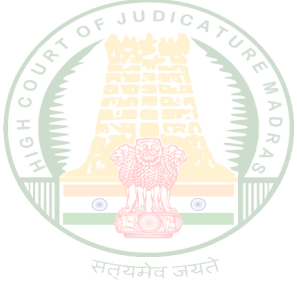
"54. Does the expression 'public order' take in every kind of disorder or only some of them? The answer to this serves to distinguish 'public order' from 'law and order' because the latter undoubtedly takes in all of them. Public order if disturbed, must lead to public disorder. Every breach of the peace does not lead to public disorder. They can be dealt with under the powers to maintain law and order but cannot be detained on the ground that they were disturbing public order. ... The contravention of law always affects



order but before it can be said to affect public order, it must affect the community or the public at large. ...”

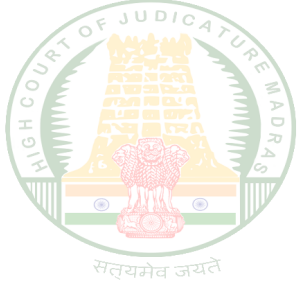
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7. In several cases, such as in (a). ***Pushkar Mukherjee & others vs. The State of West Bengal*** reported in ***1969 (1) SCC 10***, (b). ***Arun Ghosh vs. State of West Bengal*** reported in ***AIR 1970 SC 1228*** (c). ***Smt. Angoori Devi vs. Union of India***, reported in ***AIR 1989 SC 371***, the Hon'ble Supreme Court had dealt with the distinction between “law and order” and “public order”. The Court held that acts causing disturbance of public order have to be distinguished from acts which are against individuals and do not disturb the society and public tranquillity. The impact on public order would depend on the nature of the act, the place where it was committed and the motive behind it. If the act is confined to an individual without directly or indirectly affecting the community, it would fall within the realm of “law and order”. If an act creates a feeling of insecurity or creates panic or fear in the minds of the public, then it can be said to adversely affect the maintenance of public order.



8. In the instant case, the act alleged against the detenu can be dealt with under ordinary criminal law and at best had led to a law and order problem. The detenu is said to have caused the death of his brother without premeditation in a sudden quarrel within the precincts of their home. The detaining authority, without any basis whatsoever, has stated that the act of the detenu is prejudicial to the maintenance of public order. The satisfaction of the detaining authority that he would indulge in such activities in future, is also without any basis. The detaining authority has failed to comprehend the scope of the Preventive Detention Law, which has been enunciated by the Hon'ble Supreme Court in several cases. There has been a clear misuse of the Preventive Detention Law in this case.

9. This Court in **R.Vembu v. State of Tamil Nadu** [*HCP (MD) No.1294 of 2025 decided on 09.03.2026*] has deprecated the practice of invoking the Preventive Detention Law mechanically without any application of mind.



10. Therefore, this Court is of the view that the detaining authority ought not to have invoked the provisions of Act 14 of 1982. Therefore, the impugned order is liable to be quashed.

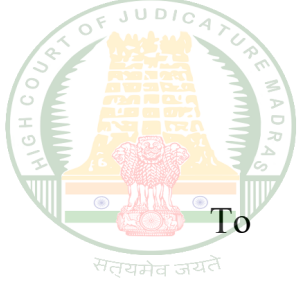
11. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.991/BBCDEFGISSSV/2025 dated 26.11.2025, is set aside.

12. The detenu, viz., Dhinakaran @ Dheena, S/o.Anandan, aged 26 years, who 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.)
21-07-2026

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

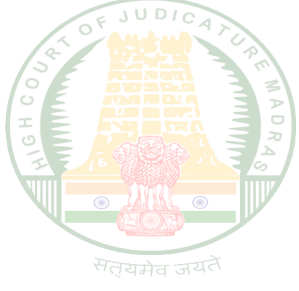
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To

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai, Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
R4, Soundarapandiyanar Angadi Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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