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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 438 of 2026

Saravanan
S/o. Baskar,
No.121, Brindavan Street, Ganeshapuram,
Mylapore, Chennai-600 004.

..Petitioner(s)

Vs

1. State of Tamil Nadu Rep by its Additional
Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai, Office of the Commissioner of
Police, Vepery,
Chennai-600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police
E-1, Mylapore 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 appropriate writ, order or direction, in the nature of Writ of Habeas Corpus to call for the entire records, relating to Petitioner's detention under Tamil Nadu Act 14 of 1982 Vide detention order, dated 03.11.2025 on the file of the second respondent herein made in proceedings no.891/BBCDEFGISSSV/2025 and quash the same as illegal and consequently direct the respondents herein to produce the Petitioner namely



Saravanan, aged 34 years, son of Baskar, before this Hon'ble High Court and set him at liberty, now petitioner detained at Central Prison, Puzhal, Chennai-600 066.

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For Petitioner(s):

Mr.C.C.Chellappan

For Respondent(s):

Mr. C.R. Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

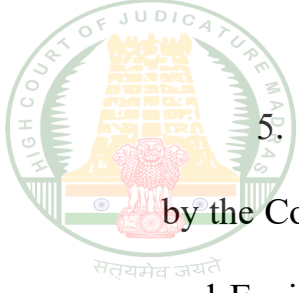
(Order of the Court was made by Dr.Anita Sumanth J.)

One Saravanan (detenu), S/o.Baskar, 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 03.11.2025.

2. Several grounds have been raised on behalf of the petitioner and we find that this HCP is to be allowed on the following grounds.

3. The bail application filed by the detenu was pending, and the detaining authority infers that bail may be granted relying upon an order dated 14.10.2024 passed in Crl OP No. 25228 of 2024 passed by this Court. However, we find that, the comparative case includes an offence related to the Arms Act whereas in the present case, the Arms Act has not been invoked.

4. Hence, there is no basis whatsoever to opine that the detenu may be released on bail in this case. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but ipse dixit.



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5. That apart, the basis of the grounds of detention is the power assumed by the Commissioner of Police by virtue of G.O.(D) No.261, Home, Prohibition and Excise (XVI) Department, dated 14.10.2025. However, the G.O. has not been furnished to the detenu. This is a fatal flaw insofar as the detenu must be aware of the basis on which the police authority has proceeded to assume jurisdiction in the matter.

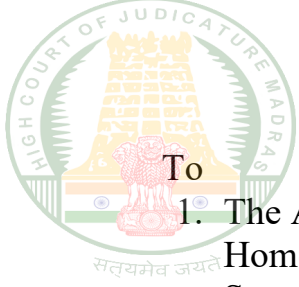
6. In the absence of the detenu being furnished with a copy of Government Order, the detenu will be at a loss as to what the basis is and would be denied of the opportunity of even challenging the basis of assumption of power.

7. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.891/BBCDEFGISSSV/2025 dated 03.11.2025 is set aside.

8. The detenu, viz., Saravanan, S/o. Baskar, male aged 34 years, now 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.)
14-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
SSM
Note to Registry : Issue Today



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

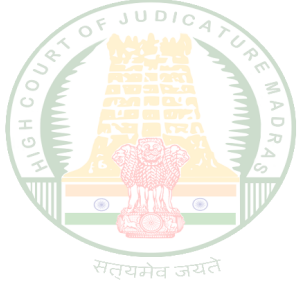
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery,
Chennai-600 007.

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

4. The Inspector of Police
E-1, Mylapore Police Station,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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