

HCP(MD)No.1319 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2026

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**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL**

H.C.P.(MD)No.1319 of 2025

Palanivel Rajan @ Ptr Vinoth

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep By The Principal Secretary to Government,
Home, Prohibition and Excise Dept,
Fort St.George,
Chennai -9..

2. The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai City..

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District..

... Respondents

PRAYER :-Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the detention order of the Respondent No.2 in No. 43/BBCDEFGISSSV/2025 dated 17.09.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name



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Palanivel Rajan @ PTR Vinoth, son of Nagendiran, aged about 35 years, now detained as Goonda at Madurai Central Prison before this court and set him at liberty forthwith.

For Petitioner : M/s.S.Ramesh Kumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH, J.)

The petitioner is the detenu viz., Palanivelrajan @ PTR Vinoth, aged about 35 years, S/o.Nagendiran. The detenu has been detained by the second respondent by his order in No.43/BBCDEFGISSSV/2025 dated 17.09.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



3. Apart from the other grounds that was raised by the learned counsel

for the petitioner, the learned counsel mainly focussed on three grounds:

- the first ground is that if the offence has been committed by the detenu when he is on bail in a previous case, steps must be taken to cancel the bail and it should not automatically result in passing a detention order. To substantiate this submission, the learned counsel relied upon the judgment of the Apex Court in ***SLP Crl No.18223 of 2025 in Roshini Devi v State of Telangana dated 08.01.2026***. The learned counsel also relied upon the judgment of the Apex Court in ***Dhanya.M. v. State of Kerala*** reported in ***2025 SCC online SC 1315***;
- The second ground that was raised by the learned counsel for the petitioner is that the grounds of arrest was not intimated in the arrest memo and therefore, there is an infraction of Article 22 of the Constitution of India, which makes the very arrest illegal and therefore, the impugned detention order will stand vitiated. To substantiate this submission, the learned counsel relied upon the judgment in ***Mihir Raju Shah v State of Maharashtra in Crl.A No. 2195 of 2025 dated 06.11.2025*** and in ***Ashif v. State of Kerala***



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reported in **2025 SCC (1) SC 2650**;

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- The third ground that was raised by the learned counsel for the petitioner is that even considering the nature of allegations that have been made against the detenu, it does not have the potential to disturb the peace and tranquility of the locality and it will not fall within the realm of public order and at the best, it can only result in a law and order situation. Therefore, it was contended that there was no requirement for passing a detention order in this case.

4. Per contra, the learned Additional Public Prosecutor submitted that insofar as the first ground is concerned, this Court had already issued a direction in HCP (MD) No.1383 of 2024 dated 28.11.2025 and the Director General of Police will file a status report on the follow up action taken after the order was passed by this Court. The learned Additional Public Prosecutor submitted that the mere non filing of an application for cancellation of bail by itself cannot result in quashing the detention order.

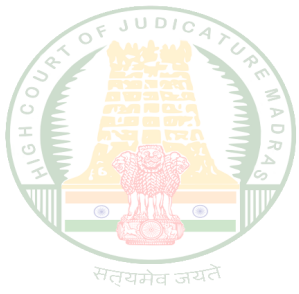


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5. Insofar as the second ground raised by the learned counsel for the petitioner, the learned Additional Public Prosecutor brought to our notice Article 22(3) of the Constitution of India, which specifically provides that nothing in clauses 1 and 2 to Article 22 will apply in a case of a person detained under the preventive detention law. The learned Additional Public Prosecutor therefore submitted that if there is an illegal arrest, that has to be questioned separately and the same cannot be questioned while challenging the detention order passed.

6. Insofar as the third ground that was raised by the learned counsel for the petitioner, the learned Additional Public Prosecutor submitted that the detenu was already having a previous case and in the ground case the nature of incident was such that it will disturb the peace and tranquility of the locality and it affected the public order and the same had been specifically stated by the detaining authority in the detention order. Accordingly, the learned Additional Public Prosecutor sought for dismissal of this petition.

7. We have considered the rival submissions and perused the materials available on record.

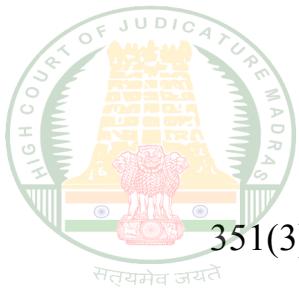


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WEB COPY 8. Insofar as the first ground is concerned, we are not inclined to interfere with the detention order merely on the ground that an application for cancellation of bail was not filed by the prosecution. However, we are inclined to follow up with the Director General of Police regarding the earlier directions that were issued by this Court on 28.11.2025 in HCP(MD) No.1383 of 2024.

9. Insofar as the second ground that was taken, we are completely in agreement with the submission made by the learned Additional Public Prosecutor to the effect that what applies to Article 22(1) and 22(2) will not apply to Article 22(3) and therefore, the issue regarding the non supply of grounds at the time of arrest, which makes the arrest illegal, cannot be gone into while dealing with the detention order.

10. We will bestow our attention to the third ground that has been raised by the learned counsel for the petitioner. On a careful reading of the detention order, we find that there was one adverse case against the detenu registered in Crime No.76/2025 for offences under Sections 296(b), 118(1),



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351(3) of BNS 2023. In that case, already police report has been filed and the case is pending trial in CC No.1317 of 2025 before the concerned Court.

11. Insofar as the ground case is concerned, the incident is alleged to have taken place on 24.08.2025 wherein the detenu is said to have waylaid the victim and attacked him with knife and iron rod and scolded him in filthy language. It is also stated that the accused persons had threatened the general public, who were standing nearby. In our considered view, on the facts of this case, we find that the incident did not have the potential to disturb the peace and tranquility of the locality or the tempo of the life of the community of the specified locality. Therefore, at the best, the activities of the accused person could have caused a law and order problem and certainly not a public order. Under such circumstances, the detention order should not have been passed under Act 14 of 1982.

12. We are inclined to make useful reference to the judgment of the Apex Court in *Nenavath Bujji and Others v. State of Telangana and others* reported in **2024 2 MLJ (Crl) 113**, where all the previous judgments were considered by the Apex Court while discussing the difference between

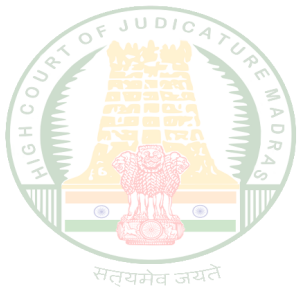


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law and order and public order. On this ground, we are inclined to interfere with the detention order passed by the 2nd respondent.

13. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.43/BBCDEFGISSSV/2025 dated 17.09.2025 passed by the second respondent is set aside. The detenu, viz., Palanivel Rajan @ PTR Vinoth, son of Nagendiran, aged about 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

14. As stated supra, we are inclined to follow up with the earlier direction issued by this Court in HCP(MD) No.1383 of 2024 dated 28.11.2024. Hence, there shall be a direction to the Director General of Police to file a status report before this Court. Depending upon the status report, this Court is inclined to issue further directions to ensure that a proper process is evolved in dealing with the persons committing offences by misusing their liberty, by resorting to cancellation of bail rather than detention orders passed under Act 14 of 1982.



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15. Post this case under the caption, 'for filing report' on 07.04.2026.

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(N.A.V.,J.) (P.D.B.,J.)
10.03.2026

NCC : Yes
Index : Yes
RR

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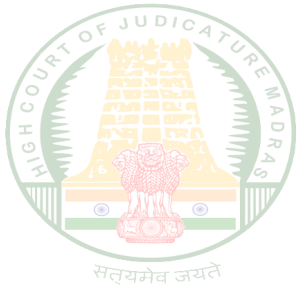
1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2. The Director General of Police,
Chennai.

3. The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City..

4. The Superintendent of Prison,
Madurai Central Prison,
Madurai District..

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL, J.**

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