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H.C.P.No.2066 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**RESERVED ON : 27.05.2026**

**PRONOUNCED ON : 29.05.2026**

**CORAM :**

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN  
and  
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

**H.C.P.No.2066 of 2025**

Varsha Sharma  
D/o Santhosh Sharma  
No.15, Karpagam Garden  
1<sup>st</sup> Main Road, Rajali Apartment  
3<sup>rd</sup> Floor, Adyar, Chennai 600 020.

... Petitioner

-Vs-

1. The Additional Chief Secretary to Government  
Home and Prohibition, Excise Department  
Fort St.George, Chennai – 9.
2. The Commissioner of Police  
Greater Chennai, Office of the Commissioner  
of Police (Goondas Section), Vepery  
Chennai 600 007.
3. The Superintendent of Police  
Central Prison, Puzhal, Chennai – 600 066.
4. The Inspector of Police  
Beta III, EDF-II  
Central Crime Branch  
Vepery, Chennai 600 007.  
(Crime No.178/2025)

... Respondents



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**Prayer :** Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the 2<sup>nd</sup> respondent in detention order vide D.O.No.719/BBCDEFGISSSV/2025 dated 22.09.2025 against the petitioner's father namely Santhosh Sharma, aged about 46 years, son of Parasmal Sharma confined at Central Prison, Puzhal, Chennai and set aside the same, consequently direct the respondents to produce the detenu namely Santhosh Sharma aged about 46 years, son of Parasmal Sharma before this Court and set him at liberty.

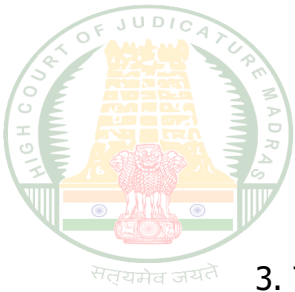
For Petitioner : Mr.Sunny Sheen for Ms.R.Arthi  
For Respondents : Mr.John Sathyan  
State Public Prosecutor  
assisted by C.R.Malarvannan

### **ORDER**

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner's father Thiru Santhosh Sharma was detained under Tamil Nadu Act 14 of 1982 as a "Goonda" vide order dated 22.09.2025 passed by the then Commissioner of Police, Greater Chennai. Challenging the same, this writ petition has been filed on various grounds.

2. On behalf of the detaining authority, a detailed counter affidavit has been filed and the learned State Public Prosecutor took us through its contents.



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3. The case of the respondents is that the detenu came under adverse notice in Crime No.100 of 2023 on the file of CCB-II, Chennai and Crime No.157 of 2025 on the file of the CCB-I, Chennai. Crime No.178 of 2025 is the ground case which led to the passing of the detention order. One Ravi is the defacto complainant. He entered into a sale and construction agreement with M/s.Lokaa Developers Pvt. Ltd., and had booked a triple bedroom apartment. The defacto complainant had paid a sum of Rs.1,38,08,095/- to the builder / developer. The detenu and his wife are Directors in the said company. Agreements were signed on 17.03.2017 and sale consideration had been paid in installments by 10.11.2018. The construction agreement bearing Document No.334/2019 and sale deed bearing Document No.335/2019 on the file of the Sub Registrar Office, Madhavaram were executed by one Ganesan on behalf of the developer. But the apartment was not handed over to Ravi. Instead, one Madhavarajan, the authorised signatory of the company, executed construction agreement and sale deed bearing Document Nos.8480 and 8481 of 2021 on 16.12.2021 in favour of Kalpana Sharma. Kalpana Sharma mortgaged the said property with M/s.LIC Housing Finance Limited vide Doc.No.8482 of 2021 for a loan amount of Rs.1,20,65,000/-. Ravi, the defacto complainant, came to know about these malpractices during 2024. When he questioned the detenu and Kalpana Sharma, he did not receive proper response. According to Ravi, to cheat him, documents were forged and property was registered in favour of Kalpana Sharma. Based on this complaint, Crime No.178 of 2025 was registered for the offences under Sections 409, 420, 465, 468, 471 and



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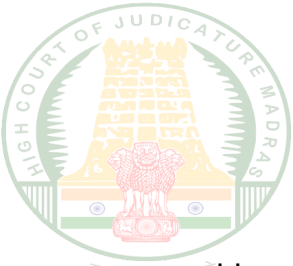
120B of IPC on 29.08.2025 at 21.00 Hrs. Santosh Sharma as well as his wife were arrested.

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4. During the course of investigation, the investigating officer came to know that the detenu and his wife have already been arrested on 01.09.2025 in connection with the adverse case in Crime No.157 of 2025 and remanded to judicial custody. They were formally arrested on 08.09.2025. The investigation is still pending. The detaining authority was satisfied that the detenu had committed crimes and that with an intention to cheat the complainant, the detenu had forged documents and executed forged sale deed in favour of his wife and subsequently raised funds by mortgaging the same with LIC Housing Finance Limited. The satisfaction arrived at by the detaining authority is captured in Para 4 of the detention order, which reads as follows:

*“Based on the above material placed before me, I am fully satisfied that the above said **Thiru Santhosh Sharma** is a **Goonda** and that there is a compelling necessity to detain him in order to prevent him from indulging in such further activities in future which are prejudicial to the maintenance of public order under the provisions of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982.)”*

5. The question that calls for consideration is whether the impugned detention order is legally sustainable. While the learned counsel for the petitioner



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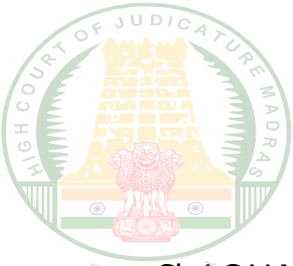
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would contend that the detenu's acts constitute mere breach of agreement not warranting invocation of preventive detention law, the learned State Public Prosecutor would strongly contend that the activities of detenu do pose a threat to the maintenance of public order and hence, the detention order was rightly passed.

6. Even on a cursory reading of the grounds of detention, we were of the view that the detention order could not have been passed. We had come across quite a few cases passed by the very same officer. We, therefore, felt that the matter should be heard at length and that the officer also should be given an opportunity to explain his conduct. Hence, we directed the officer concerned to be personally present before us.

7. Thiru.Arun, IPS, who passed the detention order, appeared before us and submitted that he had merely discharged his official duties and that no motive should be attributed to him. He claimed that in his 28 years of service, he had taken tough action against criminals and scoundrels and that they have now ganged up against him and launched vicious campaign in the social media. He lamented that being a Government servant he is not in a position to rebut the allegations.

8. When we issued summon to Thiru.Arun, IPS, he was on compulsory wait. On 26.05.2026, he had been appointed as Director of Vigilance and Anti Corruption, a post held by persons of exceptional calibre and integrity such as



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Shri.C.V.Narasimhan and Shri.C.L.Ramakrishnan. Even a whiff of allegation was never made against them during their entire career. Corruption is a major social evil and it is eating into the vitals of our society. Just as Caesar's wife must be above suspicion, the post of Director, V&AC should be headed by professionals of sterling reputation.

9. According to the detaining authority, the detenu was one of the Directors of Style One Properties Pvt.Ltd., later renamed as M/s.Lokaa Developer Pvt.Ltd., They entered into a joint venture agreement with Thiru.Sudheesh and Tmt.Poornajothi @ Sudheesh Poornajothi, the owners of the property in Survey Nos.1353/2A, 1353/2B at No.5, 200 Feet Road, Ramdas Nagar, Kolathur, Madhavaram Main Road, Chennai 60, for construction of 234 apartments. 78 apartments were to be taken by Sudhish and his wife Poornajothi. Poornajothi, after obtaining power of attorney from her husband, executed authorisation deed in favour of Madhavarajan, Manager, M/s.Lokaa Developer Pvt Ltd., to sell their apartments. Later, Poornajothi complained that her signatures were forged and the accused sold 48 apartments and thus cheated them to the tune of Rs.42,94,40,000/-. Based on the complaint of Poornajothi, Crime No.100 of 2023 was registered for the offences under Section 409, 420, 465, 467, 468, 471 read with 120B of IPC.



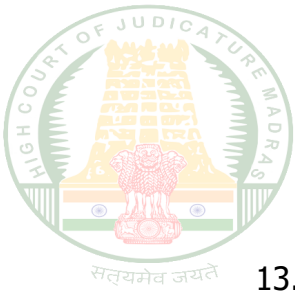
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10. All of us know that Sudheesh, who is now a sitting MP, is one of the leaders of the D.M.D.K, a Tamil Nadu based political party.

11. The second adverse case was registered on the complaint of one Vijaya and Thiyagachitran. They had entered into agreement with the said Lokaa Developers Pvt Ltd., for purchase of one flat in the very same project. Though the builder received Rs.74,09,400/-, the flat was not handed over. Instead, the flat was registered in the name of Kalpana Sharma, the wife of the detenu, who later mortgaged the same with LIC Housing Finance Limited and thus cheated the complainant. Based on Thiyagachitran's complaint, Crime No.157 of 2025 was registered for the offences under Sections 420, 465, 467, 468, 471, 120B, 34 and 409 of IPC and the detenu was arrested and remanded to judicial custody.

12. The detenu does not appear to be a paragon of virtue. He and his company appear to have defrauded the defacto complainants. They are rightly being prosecuted. The question is whether the detenu could have been detained as a "Goonda" under Tamil Nadu Act 14 of 1982. It is not enough to show that the activities of the detenu had breached the provisions of penal law. There must be something more. His activities must have the propensity of affecting the even tempo of life and public tranquility.

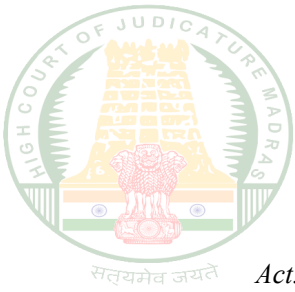


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13. The Hon'ble Supreme Court in the decision reported in **(1969) 1 SCC 10**

**Pushkar Mukherji -vs- State of West Bengal** pointed out as follows,

*“13. The question to be considered in the present case is whether Grounds (a), (b) and (c) served on Subhas Chandra Bose are grounds which are relevant to “the maintenance of public order”. All these grounds relate to cases of assault on solitary individuals either by knife or by using crackers and it is difficult to accept the contention of the respondent that these grounds have any relevance or proximate connection with the maintenance of public order. In the present case we are concerned with detention under Section 3(1) of the Preventive Detention Act which permits apprehension and detention of a person likely to act in a manner prejudicial to the maintenance of public order. Does the expression “public order” take in every kind of infraction of order or only some categories thereof. It is manifest that every act of assault or injury to specific persons does not lead to public disorder. When two people quarrel and fight and assault each other inside a house or in a street, it may be said that there is disorder but not public disorder. Such cases are dealt with under the powers vested in the executive authorities under the provisions of ordinary criminal law but the culprits cannot be detained on the ground that they were disturbing public order. The contravention of any law always affects order but before it can be said to affect public order, it must affect the community or the public at large. In this connection we must draw a line of demarcation between serious and aggravated forms of disorder which directly affect the community or injure the public interest and the relatively minor breaches of peace of a purely local significance which primarily injure specific individuals and only in a secondary sense public interest. A mere disturbance of law and order leading to disorder is thus not necessarily sufficient for action under the Preventive Detention Act but a disturbance which will affect public order comes within the scope of the*



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*Act. A District Magistrate is therefore entitled to take action under Section 3(1) of the Act to prevent subversion of public order but not in aid of maintenance of law and order under ordinary circumstances. In Ram Manohar Lohia v. State of Bihar [1965 SCC OnLine SC 9 : (1966) 1 SCR 709] , it was held by the majority decision of this Court that the expression “public order” was different and does not mean the same thing as “law and order”. The question at issue in that case was whether the order of the District Magistrate, Patna, under Rule 30(1)(b) of the Defence of India Rules, 1962, against the petitioner was valid. Rule 30(1)(b), provided that a State Government might, if it was satisfied with respect to a person that with a view to preventing him from acting in a manner prejudicial to “public safety and maintenance of public order” it is necessary to do so, order him to be detained. The order of the District Magistrate stated that he was satisfied that with a view to prevent the petitioner from acting in any manner prejudicial to the “public safety and the maintenance of law and order”, it was necessary to detain him. Prior to the making of the order the District Magistrate had, however, recorded a note stating that having read the report of the Police Superintendent that the petitioner's being at large was prejudicial to “public safety” and “maintenance of public order”, he was satisfied that the petitioner should be detained under the rule.”*

14. This proposition was also approvingly cited in **(2024) 17 SCC 294 (Nenavath Bujji and Others -vs- State of Telangana and Others')**. The Hon'ble Supreme Court in the decision reported in **(2021) 9 S.C.C.415 (Banka Sneha Sheela -vs- State of Telangana and Others)** referred to the earlier case laws and noted that there was a clear distinction between 'public order' and 'law and order' and that liberal meaning cannot be given while interpreting the expression

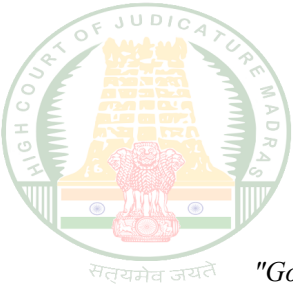


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'public order'. 'Public order' is a narrower term encompassing public safety and tranquility, whereas 'law and order' is broader potentially encompassing disturbances that do not threaten public safety at large. There are scores of judgments by the Hon'ble Supreme Court on this point. In this case, even if the averments set out in the grounds of detention are taken as true at their face value, still it can only be concluded that the activities of the detenu constitute offences under the I.P.C., and that the even tempo of social life has not all been disturbed in any manner. The detenu was a director of Company which entered into contracts with the defacto complainants. The contractual obligations were not discharged. The detenu appears to have willfully breached the terms of contract. His acts may even amount to offences. He deserves to be prosecuted in the court of law. But only the financial interests of a set of people have been injured. There is no threat to public safety as such. Cases such as the one on hand are registered routinely all over the State. We are more than satisfied that the ground case as well as the adverse cases do not have the potential to disturb public order. It is ridiculous to claim that they will disturb the even tempo of social life. There is absolutely no warrant for invoking the draconian law of preventive detention for such cases.

15. The detenu Santhosh Sharma has been detained as a 'Goonda'. The term Goonda has been defined in Section 2(f) of the Tamil Nadu Act 14 of 1982 as follows:

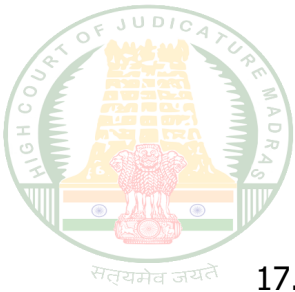


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*"Goonda" means a person who either by himself or as a member of or leader of a gang, habitually commits, or attempts to commits or abets the commission of offences, punishable under Chapter XVI or Chapter XVII or Chapter XXII of the Indian Penal Code, 1860."*

16. It is not enough that one is categorised as a Goonda for being slapped with preventive detention order. Such a Goonda must also have acted in a manner prejudicial to the maintenance of public order. A Goonda is said to act in a manner prejudicial to the maintenance of public order when he is engaged or is making preparations for engaging in any of his activities as a 'goonda' which affects or is/are likely to affect the maintenance of public order. The definition of the term 'acting in any manner prejudicial to the maintenance of public order' found in Section 2(a) is highly significant. It employs the expression **"is"**. The activities of the 'Goonda' are referred to in present and present continuous tense. The ground case as well as the adverse cases date back to the period from 2020 to 2023. The Hon'ble Supreme Court in the decision reported in **(2023) 9 SCC 587 "Ameena Begum -vs- State of Telangana** catalogued the principles based on which the legality of a preventive detention order can be tested. It was held that the Court would examine if the detaining authority's satisfaction was arrived at bearing in mind the existence of a live and proximate link between the past conduct of the person and the imperative need to detain him are based on material which is stale.



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17. The details of the two adverse cases as well as the ground case have already been set out. All of them pertain to the very same project. The defacto complainant in the first adverse case was the owner of the land, who entered into joint venture agreement with the developer. In the second adverse case and the ground case, the complainants were the purchasers of an apartment in the said project. In the first adverse case, the joint development agreement was executed on 18.12.2014. A sum of Rs.7 crores and 28 lakhs was received by the defacto complainant through RTGS from the developer in the said year itself. Power of attorney was executed in favour of Santhosh Sharma on 18.12.2014. Special power of attorney was executed in favour of Madhavarajan on 28.12.2020. Madhavarajan had sold 48 flats on the strength of the special power of attorney but did not pass on the consideration of Rs.42,94,40,000/-. Complaint was lodged on 12.10.2023. In the second adverse case, a flat was booked on 20.01.2020. Construction agreement was executed on 22.12.2021 and a consideration of Rs.74,09,400/- was paid by Thiyagachitran. However, sale deed in respect of Flat No.1505 was executed in favour of Kalpana Sharma. In the ground case, the sale consideration of Rs..1,38,08,095/- was paid by the complainant Ravi in installments between 01.07.2016 and 10.11.2018. Agreement was entered into on 17.03.2017. Sale deed was executed in favour of Ravi in 2017. Suppressing the same, another sale deed was executed in favour of Kalpana Sharma by Madhavarajan on 16.12.2021. On the same day, loan was raised by Kalpana Sharma by mortgaging the apartment bearing No.1103.



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18. A bare look at the sequence of events would show that the materials relied on by the detaining authority are rather stale and there is no live and proximate link with the detenu's past conduct. In other words, there was no urgent or imperative need to detain the detenu. The impugned order has to fail on this score also.

19. The detaining authority knew fully well that the case on hand does not fall within the category of public order. He also knew that he was placing reliance on events that had taken place not less than two years earlier. The detaining authority is not a novice. He is a direct recruit to I.P.S. He has served in various capacities. If with 28 years of experience such an order can be passed, it would only mean that it was done deliberately and with full knowledge of law and the facts involved.

20. It is not the first instance that the detaining authorities has come under our notice. One Savukku Shankar leveled serious allegations against Thiru Arun IPS. According to him Thiru Arun IPS., had amassed wealth to the tune of a few hundred crores. Thiru Savukku Shankar also led a campaign against the previous Government. He was detained as a Goonda by the very same officer vide order dated 09.04.2026. Challenging the same, HCP No.937 of 2026 was filed. When it was listed before us, the State submitted that the advisory board expressed its unanimous opinion that there is no sufficient cause for Savukku Shankar's detention.



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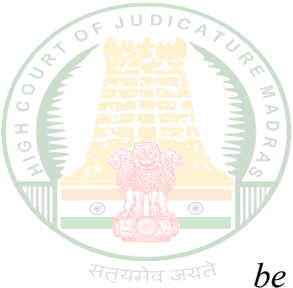
Hence, G.O.RT.No.2977 dated 19.05.2026 was issued revoking the detention. Since the two detention orders passed by Thiru Arun IPS came before us, we felt constrained to summon him.

21. One journalist by name Varaaki was also slapped with a slew of cases. He filed O.Ps seeking transfer of investigation. The Commissioner of Police, Greater Chennai (Thiru Arun IPS.,) was the first respondent. The learned Single Judge while granting relief vide order dated 13.02.2025 in CrI.O.P.Nos.31418 of 2024 etc., passed the following strictures.

*“17. Thus, it is clear that in order to prevent the petitioner from his activities, with malafide intention, the respondents 1 and 2 had foisted a **false case** as against the petitioner that too **within a short span of time.**”*

22. While quashing the detention order passed against the above said person, the Hon'ble Division Bench vide order dated 30.12.2025 in H.C.P.No.2714 of 2025 observed as follows:

*“36. Preventive detention laws are draconian. Power vests with the executive authorities to impose imprisonment. Thus, power to detain a person is to be exercised sparingly and with extreme caution. Failure on the part of the detaining authorities/police authorities to exercise the power of detention in good faith must be viewed seriously by the courts. Any callousness, motive, extraneous consideration, settle political scores or silent the dissenting voice if established on facts and through documents, the detaining authorities/police authorities concerned should*



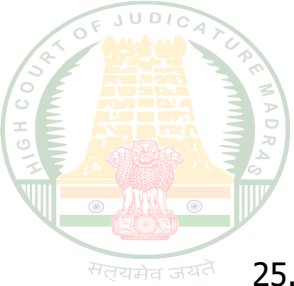
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*be subjected to disciplinary proceedings by the State under the relevant Service Rules. The State is not expected to approve the detention orders in a routine manner.”*

23. Therefore, we are clearly of the view that the impugned detention order ought not to have been passed in the first instance. We express our severe anguish and displeasure. We reject the explanation given by Thiru Arun IPS., The impugned order has been deliberately passed. We would normally not make such remark. But we are constrained to do so because Thiru Arun IPS is habituated to issuing such orders, most of which have come to the notice of this Court and quashed. Even before us, he did not appear to feel that he had passed a wrong order. He strongly justified his conduct. He ought to be aware that a preventive detention order cannot be passed recklessly as it has serious implications on the detenu's liberty. The detention order has been passed for extraneous reasons. We censure Thiru Arun IPS., for having passed the impugned detention order.

24. We have held that the impugned order has to go on the ground that it does not have a live and proximate link with the detenu's conduct and that there is no element of public order involved. Therefore, the impugned order of detention is quashed.



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25.The Habeas Corpus Petition is allowed.

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**(G.R.SWAMINATHAN, J.) & (V.LAKSHMINARAYANAN, J.)**

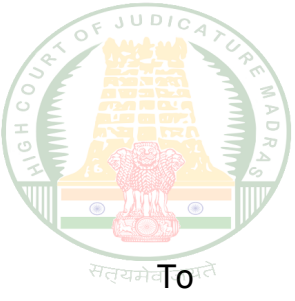
**29.05.2026**

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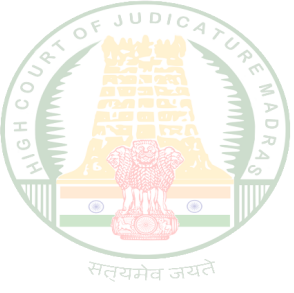
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(Crime No.178/2025)



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**G.R. SWAMINATHAN, J.**  
**and**  
**V.LAKSHMINARAYANAN, J.**

(KST)

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