

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT PETITION No.4318 of 2026

Between:

P.Subramanyam and 4 others

.....PETITIONERS

AND

The State of Andhra Pradesh and 12 others

.....RESPONDENTS

DATE OF JUDGMENT RESERVED : 30.06.2026**DATE OF JUDGMENT PRONOUNCED : 22.09.2026****DATE OF JUDGMENT UPLOADED : 22.09.2026****SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

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|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
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.....RESPONDENTS

! Counsel for the Petitioners : Sri Namineni Pavan Kumar

Counsel for the Respondent Nos.1 to 10 : Sri J.Krishna Praneeth

Counsel for the Respondent No.11 : Sri V.V.Satish

Counsel for the Respondent Nos.13 : Sri C.V.R.Rudra Prasad

< Gist :

> Head Note:

? Cases Referred:

1. (2018) 9 SCC 745
2. (2020) 14 SCC 161
3. (1972) 3 SCC 256
4. 1965 SCC OnLine SC 115
5. (1994) 5 SCC 410
6. 2024 SCC OnLine Mad 208
7. (2025) 7 SCC 401
8. (1988) 3 SCC 319
9. 2026 SCC OnLine AP 3490
10. (1993) 2 SCC 746
11. (1985) 4 SCC 677
12. (1983) 4 SCC 141
13. (1984) 1 SCC 339

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA
WRIT PETITION No.4318 of 2026

ORDER:- *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri Namineni Pavan Kumar, learned counsel for the petitioner; Sri J.Krishna Praneeth, learned Assistant Government Pleader for Respondent Nos.1 to 10, Sri V.V.Satish, learned counsel for respondent No.11 and Sri C.V.R.Rudra Prasad, learned Central Government Counsel for respondent No.13.

2. The present petition has been filed by the petitioners 5 in number, the relatives of the five detenuess for their release by way of Habeas Corpus and to set them at liberty after declaring their detention pursuant to the remand report of the respondent No.9 herein - the Forest Section Officer, Ellamanda Section, Bhakarapeta Range, Bhakarapeta, Chinnagottigallu Mandal, Tirupati District, dated 09.02.2026 as illegal and arbitrary. The main prayer in the writ petition is reproduced as under:

“pleased to issue an order direction or Writ more particularly one in the nature of Writ of habeas corpus directing the Respondent Authorities to produce before this Hon'ble Court the five detenuess i) Sri P Vinod (son of the 1st Petitioner) aged about 21 years, Male; ii) Sri R Naveen (son of the 2nd Petitioner) aged about 21 years, old Male; iii) Sri C Raja Mohan Reddy (younger brother of the 3rd Petitioner) aged about 23 years, Male; iv) Sri P Munisekhara (son of the 4th Petitioner) aged about 22 years, Male and v) Sri N Ramana (brother in law of the 5th Petitioner) aged about 41 years, Male and set them at liberty declaring their detention since 05.02.2026 including that pursuant to the impugned remand report of the Respondent No.9 dated 09.02.2026 but submitted at about 4.45 PM on 10.02.2026 before the Respondent No 12 Court as illegal arbitrary and being in violation of the detenuess rights guaranteed under Articles 14, 19, 21 and

22 of the Constitution of India so also granting reasonable compensation to the detainees along with exemplary costs in the interest of justice.”

FACTS:

3. The petitioners' case, inter-alia is that the detainees were produced by respondent No.9 before respondent No.12 (the Special Court for Judicial Magistrate of First Class Trial of cases relating to red sanders smuggling), Tirupati at about 16.42 hours on 10.02.2026. The detainees were missing from 05.02.2026. At different timings on 05.02.2026 the detainees were forcefully taken away from different locations by respondent No.10 - Forest beat officer. The mobile phones of the detainees were switched off and they were beaten from 05.02.2026 to 08.02.2026. The mobile phones of the detainees became alive again on 08.02.2026. The petitioners were eagerly waiting in the Court corridors/premises of respondent No.11 since about 10 am on 09.02.2026 and their presence was captured in the CCTV cameras in corridor outside the Court of respondent No.12. The detainees were taken for wellness check and the petitioner had intimation that the detenu would be produced at about 8pm but they were produced on the following day i.e., 10.02.2026. It is their further case that in the evening at about 8 pm on 09.02.2026 the media also came and photographed the parents and the relatives of the detainees sitting and waiting outside the Court of respondent No.12 which was published in the District Editions of vernacular newspapers dated 11.02.2026.

4. The petitioners have also asserted that the detenues were brought to respondent No.12 Court at around 16.30 hours on 10.02.2026 and each of the detenues were handed over identical bundle of papers. Their advocates interacting with the detenues, some information was revealed and that has been mentioned in para-13 of the petition. The statements of the detenues were taken by the respondent No.12 - Court and then they were sent for medical examination to RUIA Government Hospital, Tirupati at about 10.30 pm on 10.02.2026 with escort police. Thereafter the detenues returned to the premises of respondent No.12 Court and then the petitioners learnt that the detenues were going to be remanded.

Submission of learned counsel for the petitioners:

5. Learned counsel for the petitioners tried to submit that the detenues were arrested on 08.02.2026 and were produced after 24 hours, on 10.02.2026. He submitted that the date of arrest, as per their version is 08.02.2026 which could be ascertained and determined on the material/evidence, in the form of the publication of the news in the newspaper namely AndhraJyothi, Tirupati District edition dated 10.02.2026, along with photographs taken by the media person, in the evening of 09.02.2026. (Ex.P3) which in his submission would show that the detenues were waiting at the Court of respondent No.12.

6. The averments in the remand report that some detenues were apprehended by respondent Nos.8 to 10 at about 8.30 pm on 09.02.2026 and some were arrested on 10.02.2026 at about 2.00 am were disputed in the writ petition and it was also so submitted by the learned counsel for the petitioners. He however submitted that the evidence may be collected from the CCTV footage of Court's corridor which would controvert the respondent authorities' version about the date and time of the arrest i.e., at about 8.30 pm on 09.02.2026.

7. Learned counsel for the petitioner further submitted that the verification with the Unique Identification Authority of India ('UIDAI') of downloading of the detenues' aadhar cards using the systems within the Bhakrapeta Range Forest Office, Tirupati, by capturing the biometrics of the detenues on 08.02.2026 evening, shall conclusively clinch the illegal detention of the detenues by the respondent Nos. 8 to 10 and will prove that the remand report was false, impossible and absurd.

8. Learned counsel for the petitioner also referred to the alleged whatsapp communication from respondent No.10 to petitioner No.3 (Ex.P1) dated 08.02.2026.

Submissions of learned Government Pleader:

9. Learned Government Pleader submitted that the writ of Habeas Corpus is not maintainable when the alleged detenues are in custody

pursuant to a judicial remand passed by a Magistrate, unless it is specifically established that the order of remand was passed without jurisdiction or in violation of the fundamental principles violating the fundamental rights under Article 22 of the Constitution of India.

10. Learned Government Pleader submitted that in the writ petition there is no challenge to the remand order. It is also not their ground that the remand order was passed without jurisdiction. The detenues were produced before the concerned Magistrate and were remanded to the custody by judicial order. In such a case the liberty of the person, remanded to the judicial custody could only be sought by invoking the other remedies available under law. The petitioners knew fully well that the detenus were in judicial custody but that fact was not disclosed in the writ petition. The concerned magistrate after examining the material placed before him, had passed the remand order on 10.02.2026 and in the order the Magistrate recorded that it was premature to decide whether A2 to A4, A9 & A10 were illegally detained or not, as he did not find any material, except the oral statements made by the accused alleging their detention since 05.02.2026. The Magistrate had observed that it was premature at that stage to determine whether the detenues suffered injuries in the hands of Forest Officials. The petitioners' averment that the detenues were being illegally detained from 05.02.2026, was not believed and it was observed that the detenues

were apprehended on 09.02.2026 at about 8.30 P.M., and the arrest was recorded at about 2.00 am on 10.02.2026. After recording forest special proceedings, they were produced before the Magistrate within the statutory time on 10.02.2026 at 4.45 pm. There was no illegal detention. The false, fabricated allegations were invented to escape prosecution. The remand was based on lawful arrest and seizure of eight Red Sanders logs weighing 259 kgs along with Honda Dio two wheeler and vivo mobile phone. Respondent Nos.8 to 11 had acted strictly in discharge of official duties under the A.P.Forest Act, 1967 as amended in 2016 as also under the relevant provisions of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS, 2023').

11. The petitioners' contention that the detenues were missing from 05.02.2026 had been categorically denied. It had been stated that on 09.02.2026 at about 06.00 pm credible information was received regarding illegal concealment and transport of Red Sanders Logs in Bonthakanuma locality, Compartment No.20, Ustikayalapenta Beat, Yellamanda Section of Bhakarapeta Range. Upon receipt of reliable information, the forest staff while conducting combing operations at about 08.30 pm, on 09.02.2026, the detenues were apprehended near Bonthakanuma location with concealed Red Sanders logs. The arrest was recorded at about 02.00 am., on 10.02.2026. The detenues were produced before the Magistrate within the statutory period and there was

no detention prior to 09.02.2026. The allegation that the detenues were beaten was denied and it was submitted that immediately after production, the accused were subjected to medical examination at Government Hospital as per the procedure. No grievous injuries consistent with custodial violence were recorded. The allegation that the CCTV cameras were deliberately switched off was denied. The Range Office CCTV system had limited storage capacity and operated on automatic overwrite mechanism. Footage was retained only for limited duration. By the time the Court memo given by the judicial magistrate was received, relevant footage had already been overwritten in routine course. The remand report contained the grounds of arrest. It clearly specified nature of offence, seizure details, statutory provisions invoked and all the statutory requirements were complied with. The accused/detenues were given ample opportunity to go through the documents and oppose the remand through an advocate. The allegation of influencing the medical officers was denied submitting that they had no role and no interference was made in discharge of duties of the medical officer.

12. Learned Government Pleader submitted that the detenues being in judicial custody pursuant to the remand order, the writ of Habeas Corpus was not maintainable as there was no challenge to the remand order.

13. Learned Government Pleader further submitted that the alleged detenues were granted bail on 13.04.2026 and were released.

Submissions of learned counsel for Respondent No.9:

14. Respondent No.9 has filed a counter affidavit and submitted that the writ petition is not maintainable either on facts or in law. The further stand is that, the Red Sanders are a tree species unique (endemic) to the Seshachalam Hills. The wood seized in the offence belonged to a highly endangered and slow-growing timber species, classified under the International Union for Conservation of Nature (IUCN) Red list. It was an economically highly valuable tree and was notified as a protected forest produce under the law.

Maintainability of writ petition for Habeas Corpus:

15. The writ petition was presented in the Registry on 11.02.2026. However, there is no mention of the remand order but only of the remand report mentioning identical set of bundle handed over to the detenues, and that "the petitioners learnt that the detenues were going to be remanded". There was no clear averment that the detenues were remanded to judicial custody. Various allegations were leveled not only against the police personnel but also the learned presiding officer - respondent No.12 Court, who granted the remand. The learned Court has also been impleaded as a party in the writ petition, making allegation

that “the Court respondent No.12 turned blind eye to the codified law and in particular to the enunciation, the law as laid down in the case of **Vihaan Kumar v. State of Haryana** {2025 (5) SCC 799} and reiterated in **Mihir Rajesh Shah v. State of Maharashtra** {2026 (1) SCC 500}”.

16. There is no dispute on the fact that the bail has already been granted. The accused are no longer in the custody much less in illegal custody. Previously, they were in judicial custody at the time of filing of the writ petition pursuant to the remand order.

17. We are of the view that at the time of filing of the writ petition, the alleged detenues were not in any illegal detention. Detention pursuant to a remand order is ordinarily not an illegal detention. The order of remand has not been challenged. So, there is no question of considering the legality or otherwise of the remand order. The writ of Habeas Corpus in the absence of any challenge of the remand order would not be maintainable, is a position well settled in law.

18. In **State of Maharashtra v. Tasneem Rizwan Siddiquee**¹, the question was whether the writ of Habeas Corpus can be maintained in respect of person who was in police custody pursuant to a remand order passed by the jurisdictional Magistrate in connection with the offence under investigation. The Hon'ble Apex Court observed that, that was not

¹ (2018) 9 SCC 745

a case of continued illegal detention. The incumbent was in judicial custody by virtue of an order passed by the jurisdictional Magistrate. No writ of habeas corpus could be issued without challenging the remand order. Para-10 of ***Tasneem Rizwan Siddiquee*** (supra) reads as under:

“10. The question as to whether a writ of habeas corpus could be maintained in respect of a person who is in police custody pursuant to a remand order passed by the jurisdictional Magistrate in connection with the offence under investigation, this issue has been considered in *Saurabh Kumar v. Jailor, Koneila Jail* [*Saurabh Kumar v. Jailor, Koneila Jail*, (2014) 13 SCC 436 : (2014) 5 SCC (Cri) 702] and *Manubhai Ratilal Patel v. State of Gujarat* [*Manubhai Ratilal Patel v. State of Gujarat*, (2013) 1 SCC 314 : (2013) 1 SCC (Cri) 475] . It is no more res integra. In the present case, admittedly, when the writ petition for issuance of a writ of habeas corpus was filed by the respondent on 18-3-2018/19-3-2018 and decided by the High Court on 21-3-2018 [*Tasneem Rizwan Siddiquee v. State of Maharashtra*, 2018 SCC OnLine Bom 2712] her husband Rizwan Alam Siddiquee was in police custody pursuant to an order passed by the Magistrate granting his police custody in connection with FIR No. I-31 vide order dated 17-3-2018 and which police remand was to enure till 23-3-2018. **Further, without challenging the stated order of the Magistrate, a writ petition was filed limited to the relief of habeas corpus. In that view of the matter, it was not a case of continued illegal detention but the incumbent was in judicial custody by virtue of an order passed by the jurisdictional Magistrate, which was in force, granting police remand during investigation of a criminal case. Resultantly, no writ of habeas corpus could be issued.**”

19. In ***Tasneem Rizwan Siddiquee*** (supra), the writ petition was filed on 18.03.2018/19.03.2018 and it was moved on 20.03.2018. The High Court directed to produce the record on the next date i.e., 21.03.2018.

The order was then passed by the High Court on 21.03.2018. The remand order had already been passed on 17.03.2018. The accused was in the judicial custody till 23.03.2018. The Hon'ble Apex Court held that since no writ of habeas corpus could be issued in the fact situation the High Court should have been loath to enter upon the merits of the arrest in the absence of any challenge to the judicial order passed by the Magistrate. Para-12 of ***Tasneem Rizwan Siddiquee*** (supra) reads as under:

“12. Suffice it to observe that since no writ of habeas corpus could be issued in the fact situation of the present case, the High Court should have been loath to enter upon the merits of the arrest in the absence of any challenge to the judicial order passed by the Magistrate granting police custody till 23-3-2018 and more particularly for reasons mentioned in that order of the Magistrate. In a somewhat similar situation, this Court in *State v. N.M.T. Joy Immaculate* [*State v. N.M.T. Joy Immaculate*, (2004) 5 SCC 729 : 2004 SCC (Cri) 1722] deprecated passing of disparaging and strong remarks by the High Court [*N.M.T. Joy Immaculate v. State*, 2002 SCC OnLine Mad 265 : (2002) 1 MWN (Cri) 237] against the investigating officer and about the investigation done by them. Accordingly, we have no hesitation in expunging the observations made in paras 4 to 6 of the impugned judgment against the police officials concerned in the facts of the present case.”

20. In ***Home Secretary (Prison) v. H.Nilofer Nisha***², the Hon'ble Apex Court reiterated that when the petitioner therein was in judicial custody by virtue of an order passed by the Jurisdictional Magistrate, he

² (2020) 14 SCC 161

could not be said to be in an illegal detention. Para Nos.22 to 24 in

H.Nilofer Nisha (supra) reads as under:

“22. In *Manubhai Ratilal Patel v. State of Gujarat* [*Manubhai Ratilal Patel v. State of Gujarat*, (2013) 1 SCC 314 : (2013) 1 SCC (Cri) 475] , an order of remand was challenged before this Court. After referring to a large number of judgments [*Ranjit Singh v. State of Pepsu*, AIR 1959 SC 843 : 1959 Cri LJ 1124; *Ummu Sabeena v. State of Kerala*, (2011) 10 SCC 781 : (2012) 1 SCC (Cri) 426; *Madhu Limaye, In re*, (1969) 1 SCC 292; *Talib Hussain v. State of J&K*, (1971) 3 SCC 118; *Sanjay Dutt v. State*, (1994) 5 SCC 410 : 1994 SCC (Cri) 1433] , which we are not referring in detail since they have all been considered in this judgment, this Court held as follows: (SCC p. 326, para 31)

“31. ... It is well-accepted principle that a writ of habeas corpus is not to be entertained when a person is committed to judicial custody or police custody by the competent court by an order which prima facie does not appear to be without jurisdiction or passed in an absolutely mechanical manner or wholly illegal.”

23. In *Saurabh Kumar v. Jailor, Koneila Jail* [*Saurabh Kumar v. Jailor, Koneila Jail*, (2014) 13 SCC 436 : (2014) 5 SCC (Cri) 702] , this Court came to the conclusion that **the petitioner was in judicial custody by virtue of an order passed by the Judicial Magistrate and, hence, could not be said to be in illegal detention.** T.S. Thakur, J. as he then was, in his concurring judgment held as follows: (SCC p. 442, para 22)

“22. The only question with which we are concerned within the above backdrop is whether the petitioner can be said to be in the unlawful custody. Our answer to that question is in the negative. The record which we have carefully perused shows that the petitioner is an accused facing prosecution for the offences, cognizance whereof has already been taken by the competent court. **He is presently in custody pursuant to the order of remand made by the said Court. A writ of habeas corpus is, in the circumstances, totally misplaced.**”

24. The same view has been taken in *State of Maharashtra v. Tasneem Rizwan Siddiquee* [*State of Maharashtra v. Tasneem Rizwan Siddiquee*, (2018) 9 SCC 745 : (2019) 1 SCC (Cri) 386] wherein it was observed that **no writ of habeas corpus could be issued when the detenu was in detention pursuant to an order passed by the Court.** As far as the present cases are concerned, it is not disputed that the detenus are behind bars pursuant to conviction and sentence imposed upon them by a court of competent jurisdiction and confirmed by this Court, whereby they were sentenced to undergo imprisonment for life.”

21. In ***Col.Dr.B.Ramachandra Rao v. State of Orissa***³ para-7 reads as under:

“7. Assuming that the sentence imposed by the Secunderabad court on the petitioner has been served out by him, then the only point which the petitioner has raised in his petition relates to the alleged illegality of his custody in the jail when he was brought to Bhubaneswar from Secunderabad. Such an infirmity, assuming the petitioner's allegation to be correct, cannot invalidate the present confinement of the petitioner in the Bhubaneswar Sub-Jail. As observed by this Court in *Naranjan Singh Nathawan v. State of Punjab* [(1952) 1 SCC 118 : AIR 1952 SC 106 : 1952 SCR 395] and reaffirmed in *Ram Narayan Singh v. State of Delhi* [(1953) 1 SCC 389 : AIR 1953 SC 277 : 1953 SCR 652] **in habeas corpus proceedings the Court is to have regard to the legality or otherwise of the detention at the time of the return and not with reference to the institution of the proceedings. A fortiori the Court would not be concerned with a date prior to the initiation of the proceedings for a writ of habeas corpus.** We accordingly dismiss Writ Petition No. 601 of 1970.”

22. In ***A.K.Gopalan v. Government of India***⁴, the Hon'ble Apex Court held vide para No.5 as under:

³ (1972) 3 SCC 256

“5. It is well-settled that in dealing with a petition for habeas corpus the court has to see **whether the detention on the date on which the application is made to the court is legal, if nothing more has intervened between the date of the application and the date of hearing.** In the present case the applications were made to this Court after the orders dated March 4, 1965 had been passed. It is therefore unnecessary to consider **the validity of the detention orders made on December 29, 1964, for those orders are no longer in force and** the petitioners are detained by orders passed on March 4, 1965. We shall therefore consider only the grounds urged against the validity of the orders passed on March 4, 1965.”

23. In ***Sanjay Dutt v. State***⁵ the Hon'ble Apex Court held that it is settled by Constitution Bench decisions that a petition seeking the writ of habeas corpus on the ground of absence of a valid order of remand or detention of the accused, has to be dismissed if on the date of return of the rule, the custody or detention is on the basis of a valid order. Para – 48 in ***Sanjay Dutt*** (supra) reads as under:

“48. It is settled by Constitution Bench decisions that a petition seeking the writ of *habeas corpus* on the ground of absence of a valid order of remand or detention of the accused, has to be dismissed, if on the date of return of the rule, the custody or detention is on the basis of a valid order. (See *Naranjan Singh Nathawan v. State of Punjab* [(1952) 1 SCC 118 : 1952 SCR 395 : AIR 1952 SC 106 : 1952 Cri LJ 656] ; *Ram Narayan Singh v. State of Delhi* [(1953) 1 SCC 389 : 1953 SCR 652 : AIR 1953 SC 277 : 1953 Cri LJ 1113] and *A.K. Gopalan v. Government of India* [(1966) 2 SCR 427 : AIR 1966 SC 816 : 1966 Cri LJ 602].)”

⁴ 1965 SCC OnLine SC 115

⁵ (1994) 5 SCC 410

24. In the present case, on the date of filing of the writ petition the detention was pursuant to the remand order. The remand order was not challenged. On the date of hearing of the petition, the detenu was no longer in detention. During pendency of the writ petition, the detenu has been released on bail.

Factual Disputes: Enquiry in Habeas Corpus:

25. A factual dispute has been raised with respect to the date of arrest. As per the submission of the petitioner's counsel, the date of arrest is 05.02.2026 whereas the stand of the State-respondent that some detenus were arrested on 09.02.2026 and some on 10.02.2026. They were produced before the jurisdictional Magistrate within the statutory time of 24 hours.

26. The petitioners have filled IA Nos. 1, 2 & 4 of 2026.

27. I.A.No.1 of 2026 is for direction to the respondent No.6 to forthwith secure and furnish the Call Data Records, Location Update Pings, Cell ID Site, and metadata of WhatsApp message and call logs time, duration of the parties involved, user IP addresses for the period 4.2.26 to 10.2.26 for the Cellular Phone Nos. 9000321132, 9652478801, 9390265681, 8106882285, 9346565408, 9014376094, and 8639439953.

28. I.A.No. 2 of 2026 has been filled for direction to the respondent Nos. 7 & 8 to forthwith secure and furnish the CC TV footage for the

period w.e.f., 5.2.26 to 10.2.26 from all the CC TV cameras monitoring the inside and outside vicinity of the Bhakarapeta Range Forest Office Building near Tirupati, and to supervise the integrity of complying the directions to be so issued.

29. I.A.No. 4 of 2026 has been filled to direct the respondent no. 13 the Unique Identification Authority of India through Chief Executive Officer (CEO), New Delhi to furnish the details of any transactions and/or downloading in relation to Aadhar Card Nos 749801484536, 616109649183, 282476615179, 585849755398 and 966765706689 from the Respondent No 13 and/or its affiliate Information Technology servers during the period 5.2.26 to 10.2.26 including relevant request date, time, originating computer IP address, MAC address, and any geography details and whether biometrics of the Aadhar card holder were utilized for any such transaction/downloading of those Aadhar cards.

30. In I.A.No.4 of 2026 respondent no. 13 has filed a counter affidavit submitting that, the process governing the Aadhaar Enrolment/update and the process/ provisions of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (in short 'the Aadhaar Act, 2016') read with The Aadhaar (Data Security) Regulations, 2016 and the Aadhaar (sharing of Information) Regulation, 2016 carry several safeguards in the form of security and confidentiality

of information, restrictions on sharing information, disclosure of certain information and offences and penalties for breach of the Act or Regulations. Referring to Section 33(1) of the Aadhaar Act, 2016 as amended in the year 2019 it has been submitted that any disclosure of information (other than core biometric information), including identity information or authentication records, could be made pursuant to an order of a Court not inferior to that of the High Court and further that no order by the Court shall be made without giving an opportunity of hearing to the Authority and the concerned Aadhaar number holder. As per UIDAI guidelines under Citizen Charter, an Aadhaar number holder (ANH) can view details of up to 50 authentication records performed by any Authentication User Agency (AUA) or by him/her in the last 6 months by using <https://resident.uidai.gov.in/aadhaarauth-history>. The Aadhaar update history displays all crucial data related to an Aadhaar card holder's updates since its allocation. Every Aadhaar Number Holder/Resident could access the update history through OTP authentication and the requesting entity could peruse the details of the ANH only with his consent. The UIDAI could not access the Authentication data, as requested by the petitioner in application in I.A.No.4 of 2026. It has been further submitted that Aadhaar number holder shall be notified by the requesting entity about any authentication through email and/or SMS and/or other digital means and/or paper-

based acknowledgement about success or failure of authentication on each request. Such notification/acknowledgment shall include requesting entity's name, date and time of authentication, response code, last 4 digits of Aadhaar number but the UIDAI does not capture the originating computer IP address, MAC address, any geography details of such Authentication.

31. Para -9 of the counter of respondent No.13 deserves reproduction:

"9. That I submit that the Aadhaar number holder shall be notified by the requesting entity about any authentication, through e-mail and/or SMS and/or other digital means and/or paper-based acknowledgement about success or failure of authentication on each request. Such notification/acknowledgment shall include requesting entity's name, date and time of authentication, response code, last 4 digits of Aadhaar number but the UIDAI does not capture the originating computer IP address, MAC address, any geography details of such Authentication."

32. The petitioners filed rejoinder affidavit in I.A.No.4 of 2026 reiterating the contents of the application and tried to submit that respondent No.13 – UIDAI authority could not deny its liability to provide the location of the requesting entity, who was requesting authentication in case of simple request.

33. There is no material on record to substantiate the petitioners' case of the detenues having been arrested on 05.02.2026 and not on 09.02.2026. It is mere allegation unsupported by any material. The material annexed (annexure –P1) does not show any indication that the

detenues were arrested on 05.02.2026 or on any date prior to the date disclosed by the respondents in the affidavit i.e., 09.02.2026.

34. By I.A.No.4 of 2026, the petitioner is making request for direction to the UIDAI to furnish the details so that the petitioner may make out a case of the detenues having been arrested on 08.02.2026 and for that purpose, as per the case of the petitioners, those documents would show the location; the use of detenues Aadhaar identification number and the location of the requesting entity. However, as per the counter affidavit para-9 as reproduced above, the case of UIDAI is that the UIDAI does not capture the originating computer IP address, MAC address any geography details of such authentication. The acknowledgment which is sent to the member of Aadhaar Card holder through E-mail or SMS shall include requesting entity's name, date and time of authentication response code, last 4 digits of Aadhaar number.

35. Learned counsel for the petitioner submitted that the Authentication Service Agency (ASA) and Authentication User Agency (AUA) have been defined under the Regulations and the operation mode. The Authentication Service Agency (ASA) means an entity providing necessary infrastructure for ensuring secure network connectivity and related services for enabling a requesting entity to perform authentication using the authentication facility provided by the Authority. He however,

did not dispute but admitted that the Authentication User Agency means a requesting entity that uses the Yes/No authentication facility provided by authority during that period and on the date specified the authentication could be requested by any person including the detainees. So, it is not necessary that from the documents, assuming which might be provided that, would not communicate to the Geographical entity, the place from where it was operated or computer system from which it was operated. It could be by any means and by any one so any one could be the requesting entity.

36. The petitioners have stated with respect to the whatsapp message at 03.15..... but Ex.P1 shows that, that message as deleted. We cannot presume that the deleted message was the message of the nature as contended in the writ petition. So, what has been contented in the writ petition does not find support from the document annexed (Ex.P1).

37. It is settled in law that the enquiry to be made in the writ petition for Habeas Corpus is a summary enquiry. On such enquiry if the Court finds that there is an illegal detention, may be by official respondents or even by a private person, the Court entertain the Habeas Corpus petition and pass appropriate orders. For the maintainability of the habeas corpus there should be some material to convince the Court, atleast prima-facie that, there is detention which is illegal. Nothing has been brought on

record to substantiate the plea of illegal detention based on the averment of date of arrest. The entire endeavour of the petitioners in the writ petition as also by the applications I.A.Nos.1, 2 & 4 of 2026 has been to seek direction from this Court for making an enquiry into the date of arrest of the detenues. In the exercise of jurisdiction for writ of Habeas Corpus, which is true also for any other writ petition, under Article 226 of Constitution of India, the Court will not make a roving enquiry on the parties' allegation unsupported by any material. The date of arrest, 05.02.2026 or 09.02.2026 is a question of fact. There is material on record to say that the detenues were arrested on 09.02.2026 but no material to show that they were arrested on 05.02.2026 or any date prior to 09.02.2026 so as to contend that they were produced before the concerned Magistrate not within the period of 24 hours.

38. The petitioners' case is for direction to summon the CCTV footage of the Court premises and of the vicinity of the Bhakarapeta Range Forest Office Building near Tirupati, so as to establish the presence of the petitioners or the relatives of the detenues in the Court premises on a particular date. We are of the view that mere presence of any person, even from the CCTV footage would not establish the arrest on a particular date. It could not be conclusive proof that because a person said to be a relative of the detainee was present in the Court premises, it was because of the arrest of the detenues or in an action connected with

that cause. The record sought to be summoned from UIDAI would also not be conclusive proof that the requesting agency was the respondent Nos.8 & 9, in view of what has been stated in the counter affidavit of respondent No.9 vide para-9, that the geographical location could not be captured by the UIDAI authorities.

39. This Court, in the exercise of the writ jurisdiction, would ordinarily not enter into the disputed questions of fact. In the case of the present nature, to determine the date of arrest, various material aspects would require consideration, including the relevancy and admissibility of the electronic document as also such other evidence as has been requested to be summoned. We are of the considered view that any such enquiry is neither proper nor feasible to carry, to record a finding of fact by this Court, converting it into a fact finding Court.

40. The submission advanced and the ground taken with respect to the date of arrest, is to show that the order of remand is not correct and it is illegal. In the submission of the petitioners' counsel since the arrest is on 05.02.2026, so the production of the detenues before the Magistrate on 10.02.2026 was beyond the period of 24 hours and therefore, the Magistrate must have released the detenues and must not have granted remand to judicial custody. The remand order is not under challenge in the writ petition. In the absence of any challenge to the remand order,

this Court would not enter into the correctness or otherwise of such a ground. A roving enquiry cannot be made by this Court in the exercise of writ jurisdiction. It is not to say that in the exercise of writ jurisdiction, this Court cannot direct an enquiry to be made to ascertain the factual position under certain circumstances, but we do not find it a fit case for any such direction on the applications made to make a roving enquiry on unfounded facts to determine a question of fact and particularly when the alleged detenu has been released on bail and there is no detention.

41. In ***Arafath Nisha v. State of Tamil Nadu***⁶, the Madras High Court held that when there are factual disputes, the High Court was not inclined to entertain the Habeas Corpus petition. Para Nos. 9, 12 & 14 in ***Arafath Nisha*** (supra) reads as under:

“9. The Hon'ble Supreme Court entertained Writ of Habeas Corpus petition where the arrest was *ex facie* illegal and the order of remand did not reflect any application of mind. In *Madhu Limaye's case* (cited supra), the Hon'ble Supreme Court found that the arrest was illegal since the Police arrested the detenu therein for a non-cognizable offence. Similarly, in *Manoj v. State of Madhya Pradesh's case* (cited supra), the Hon'ble Supreme Court found that if any person is detained in custody beyond the period of 24 hours without any authority of a Magistrate, then his/her detention would be illegal and he/she could be released forthwith. However, in the said case, there was an admission by the State of Madhya Pradesh, and therefore, the Hon'ble Supreme Court held that detention was unlawful and passed orders. The relevant paragraph in the said Judgment reads as follows:

⁶ 2024 SCC OnLine Mad 208

“15. Of course the stand of the State of Madhya Pradesh is that appellant continues to be under detention pursuant to his arrest in the Rajasthan's case. Excuses were advanced by the respondent-State of their inability to produce the accused before the nearest magistrate within the required period. But no such excuse has been recognized by law. Hence respondent cannot validly press for further detention of the accused beyond 24 hours. That arrest has now become otiose.”

.....

12. Further, once we find that the petitioner's husband is in judicial remand, we would not entertain a Habeas Corpus Petition. In this regard, we would rely upon the observations of the Hon'ble Supreme Court in *Serious Fraud Investigation Office v. Rahul Modi and another's case* (cited supra) which read as follows:

“21. The act of directing remand of an accused is thus held to be a judicial function and the challenge to the order of remand is not to be entertained in a habeas corpus petition. The first question posed by the High Court, thus, stands answered. In the present case, as on the date when the matter was considered by the High Court and the order was passed by it, not only were there orders of remand passed by the Judicial Magistrate as well as the Special Court, Gurugram but there was also an order of extension passed by the Central Government on 14-12-2018. The legality, validity and correctness of the order or remand could have been challenged by the original writ petitioners by filing appropriate proceedings. However, they did not raise such challenge before the competent appellate or revisional forum. The orders of remand passed by the Judicial Magistrate and the Special Court, Gurugram had dealt with merits of the matter and whether continued detention of the accused was justified or not. After going into the relevant issues on merits, the accused were remanded to further police custody. These orders were not put in challenge before the High Court. It was, therefore, not open to the High Court to entertain challenge with regard to correctness of those orders. The High Court, however, considered the matter from the standpoint whether the initial order of arrest itself was valid or not and

found that such legality could not be sanctified by subsequent order of remand. Principally, the issue which was raised before the High Court was whether the arrest could be effected after period of investigation, as stipulated in the said order dated 20-6-2018 had come to an end. The supplementary issue was the effect of extension of time as granted on 14-12-2018. It is true that the arrest was effected when the period had expired but by the time the High Court entertained the petition, there was an order of extension passed by the Central Government on 14-12-2018. Additionally, there were judicial orders passed by the Judicial Magistrate as well as the Special Court, Gurugram, remanding the accused to custody. If we go purely by the law laid down by this Court with regard to exercise of jurisdiction in respect of habeas corpus petition, the High Court was not justified in entertaining the petition and passing the order.”

.....

14. Therefore, we are of the considered view that it is for the petitioner's husband to establish that arrest was illegal and that he was kept in detention beyond the period of 24 hours before the appropriate forum in a manner known to law. Hence, we are not inclined to entertain this Habeas Corpus Petition as there are factual disputes. However, it is left open for the petitioner's husband to seek appropriate remedy in accordance with the law. With the above observations, this H.C.P. No. 185 of 2024 is dismissed.”

42. Learned counsel for the petitioners placed reliance in **Sebastian M. Hongray v. Union of India**⁷ to contend that the Court in the exercise of the jurisdiction for the writ of Habeas Corpus, where the fact of detention is disputed would investigate the facts and if the detention is found illegal, it would issue writ of habeas Corpus. In **Sebastian M. Hongray** (supra), wherein it was held that when a petition for Habeas

⁷ (1984) 1 SCC 339

Corpus is moved, the court would direct a notice to be served upon the respondents with a view to affording the respondents to file evidence in reply. If the facts alleged in the petition are controverted by the respondents appearing in response to the notice by filing its evidence, the court would proceed to investigate the facts to determine whether there is substance in the petition for a writ of habeas corpus. If on investigation of facts, the court rejects the contention of the respondents and is satisfied that the respondent was responsible for unauthorised and illegal detention of the person or persons in respect of whom the writ is sought, the Court would issue a writ of habeas corpus which would make it obligatory for the respondents to file a return.

43. There is no dispute on the proposition of law as in **Sebastian M. Hongray** (supra) that the investigation can be made to determine whether the detention is illegal or not. In the present case, however there is no dispute that the detenue had been remanded on the date of even prior to filing of the writ petition, which fact was not disclosed in the writ affidavit. During the pendency of the writ petition the detenu has been released on bail. In such a circumstance, investigation with respect to the detention being legal or illegal does not arise. The detention pursuant to the remand order is not illegal. The bail having been granted and released the detenue not being in any illegal detention, the writ petition for Habeas Corpus would not be maintainable. So, there would be no

scope for making any further enquiry, even placing reliance in **Sebastian M. Hongray** (supra).

Newspaper report:

44. Learned counsel for the petitioner submitted that the news was published in the District Editions of Vernacular newspapers dated 11.02.2026 about the arrest and the detention of the detenues. Based on such report, he tried to submit that it was a case of illegal detention.

45. In **Chandrabhan Sudam Sanap vs. State of Maharashtra**⁸, the Hon'ble Apex Court reiterated, considering the **Laxmi Raj Shetty vs. State of T.N**⁹, that the statement of fact contained in a newspaper is merely hearsay and therefore inadmissible in evidence in the absence of the maker of the statement appearing in court and deposing to have perceived the fact reported.

46. In **Vasupalli Laxmayya** (supra), the petitioner therein sought to produce record of local news channels for the purpose of demonstrating that the local news channels had recorded the arrest and detention of the alleged detainee, on 19/20.11.2023 itself. In the said case an affidavit of a person who is said to have recorded such broadcast by the local news channels, was also placed before this Court. This Court observed in "para No.7.....However, none of the news anchors

⁸ (2025) 7 SCC 401

⁹ (1988) 3 SCC 319

or the persons involved in the broadcast of these channels, have been brought into the picture and no certification of any nature, from these persons had been obtained. In the absence of such certification, this court cannot rely upon the material produced by the petitioner.” This Court further held that “the material placed before this Court, is not sufficient for this Court, to arrive at any conclusion as to whether the detenu had been arrested or detained by the 3rd respondent between 20.11.2023 to 23.11.2023”. The said petition was dismissed leaving it open to the petitioner therein to avail his remedies under such other law. Paras 7 and 8 of **Vasupalli Laxmayya** (supra) are reproduced as under:

“7. Thereafter, the petitioner sought to produce records of local news channels for the purpose of demonstrating that the local news channels had recorded the arrest and detention of the alleged detainee, on 19/20.11.2023 itself. An affidavit of a person, who is said to have recorded such broadcast by the local news channels, was also placed before this Court. However, none of the news anchors or the persons involved in the broadcast of these channels, have been brought into the picture and no certification of any nature, from these persons had been obtained. In the absence of such certification, this court cannot rely upon the material produced by the petitioner.

8. In the present case, the fact remains that as on 23.11.2023, the alleged detainee was admittedly not in the custody of the 3rd respondent. The material placed before this Court, is not sufficient for this Court, to arrive at any conclusion as to whether the detainee had been arrested or detained by the 3rd respondent between 20.11.2023 to 23.11.2023.”

47. Recently, in **Sukanti Bilar Sing and another vs. State of Andhra Pradesh and others**¹⁰, this Court has held that the newspaper publication is hearsay evidence. It is not admissible in evidence without any verifiable and supporting material. The courts cannot entertain such reports. The writ of Habeas Corpus based on the newspaper publications are ordinarily not maintainable.

48. Consequently based on the newspaper report the submission of the learned counsel for the petitioners cannot be accepted of any illegal detention.

Claim for compensation:

49. Learned counsel for the petitioner raised another submission for grant of compensation. He submitted that the compensation, can be granted for violation of the fundamental right under the public law remedy under Article 226 of the Constitution of India as well.

50. Learned counsel for the petitioners placed reliance in **Nilabati Behera (SMT) Alias Lalita Behera v. State of Orissa**¹¹, to contend that the detention being illegal, the detenues are entitled for an award of compensation under public law. That was a case of death in police custody. The death was in unnatural cause by multiple injuries. The burden was on the authorities to explain the death and the injuries which

¹⁰ 2026 SCC OnLine AP 3490

¹¹ (1993) 2 SCC 746

caused the death. There was no possible explanation given. The Court recorded, that was a case of custodial death. On such finding the Court proceeded to consider the question of liability of the respondents for the compensation. In view of the judgments of Hon'ble Apex Court in ***Rudul Sah v. State of Bihar and others***, the Hon'ble Apex Court determined that the State was liable for compensation and in that context the Hon'ble Apex Court observed that the award of compensation in a proceedings under Article 32 by the Apex Court and under Article 226 of the Constitution by the High Court is a remedy available in public law, based on strict liability for contravention of fundamental rights to which the principle of sovereign immunity does not apply.

51. There is no dispute on the settled proposition of law as in the ***Rudul Sah (supra)*** and ***Nilabati Behera (SMT) Alias Lalita Behera (supra)*** that in case of violation of fundamental right to personal liberty under Article 21 of the Constitution, the compensation can be awarded in exercise of the jurisdiction under Article 226 of Constitution of India, which is a remedy available under public law. However, in the present case it could not be shown that there was violation of the fundamental right of the detenues under Article 21 of Constitution of India of their personal liberty. The detention of detenues was pursuant to the remand order. The detenues were arrested and produced within the statutory period. There is nothing on record to show to the contrary. There was no

violation neither of the Article 21 nor of Article 22 of the Constitution of India. Neither the detention nor its continuance till bail was granted, can be said to be illegal, violating any of the fundamental rights of the detenues. So, there is no question of the applicability of the judgment in ***Rudul Sah (supra)*** and ***Nilabati Behera (SMT) Alias Lalita Behera (supra)*** for grant of any compensation.

52. In ***Bhim Singh v. State of J & K***¹², also upon which relevance was made, the Hon'ble Apex Court observed that since the detenu was no longer in the detention, there was no need to make any order to set him free. The Hon'ble Apex Court however granted compensation, as it was found that the order of remand was passed in collusion with the police officer in a casual manner and due to irresponsible attitude of the Magistrate. In the present case the detenues have been granted bail. They are not in any detention much less illegal detention. Even prior to the grant of bail their detention was pursuant to the remand order. There is no question of any illegal detention. ***Bhim Singh*** (supra) cannot be applied for grant of any compensation.

53. In ***Rudul Sah v. State of Bihar***¹³, the petitioner was detained illegally in prison for 14 years after his acquittal in a full-fledged trial. There was acquittal. In spite thereof, the person was detained in jail.

¹² (1985) 4 SCC 677

¹³ (1983) 4 SCC 141

Such detention was illegal. The Hon'ble Apex Court directed payment of compensation in Habeas Corpus petition. That is not the position here.

54. In the present case there being no illegal detention, the question of grant of compensation to the detenu does not arise.

55. Thus considered, we hold that:

i) the writ of Habeas Corpus is not maintainable as the arrest was made on 09.02.2026. The detenu was produced before the Magistrate on 10.02.2026 within the statutory period. Nothing could be brought on record to the contrary.

ii) The Magistrate had granted remand even prior to filing of the writ petition. That was not disclosed in the writ petition, except mentioning that the petitioners learnt that the Magistrate was going to remand.

iii) The order of remand has not been challenged.

(iv) the detenu was granted bail during pendency of the writ petition.

v) The detenu not being in an illegal detention when the writ petition was filed and also having been released on bail during the pendency of the writ petition, the writ for Habeas Corpus is not maintainable.

vi) The Court does not make roving enquiry into disputed questions of fact, which cannot be duly investigated in the exercise of the writ jurisdiction under Article 226(1) of Constitution of India, which may

also require the evidence and consideration of relevancy, admissibility, including of the electronic evidence sought to be summoned.

vii) News in newspaper publication as an evidence is not admissible without any verifiable and supportive material, writ of habeas corpus based on the newspaper report ordinarily cannot be issued.

viii) There is no illegal detention. So, no question of grant of any compensation to the detenu arises.

56. The application I.A.No.4 of 2026 deserves rejection.

57. I.A.No.4 of 2026 is rejected.

58. Writ petition is dismissed.

No order as to costs.

As a sequel thereto, other pending miscellaneous petitions, shall also stand closed.

RAVI NATH TILHARI,J

SUBHENDU SAMANTA,J

Dated: .09.2026
Note: L.R. copy be marked
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION No.4318 of 2026

Dated:
Note: L.R. copy be marked
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