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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 43 of 2026

Indhira

W/o.Samikannu,

Jeeva Theru,

Perunkadambanoor and Post,

Nagapattinam District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu represented by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2. The District Collector and District Magistrate,
Nagapattinam District, Nagapattinam.

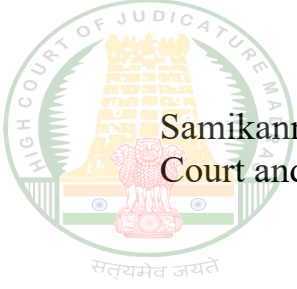
3. The Superintendent of Police
Nagapattinam District, Nagapattinam.

4. The Superintendent,
Cuddalore Central Prison,
Cuddalore District.

5. The Inspector of Police
Kilvelur Police Station,
Nagapattinam District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue any order, writ or direction in the nature of WRIT OF HABEAS CORPUS to call for the entire records connected with the impugned order of detention passed by the 2nd Respondent in C.O.C.No.31/2025, dated 03.10.2025 and quash the same as illegal and consequently directing the respondents to produce the detainee namely, Saravannan, Male, aged about 23/2025, years old, son of



Samikannu, now detained in the Central Prison Cuddalore, before the Honble Court and set him at liberty.

For Petitioner(s): Mr.V.Muthamizh

For Respondent(s): Mr.C.R.Malarvannan
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

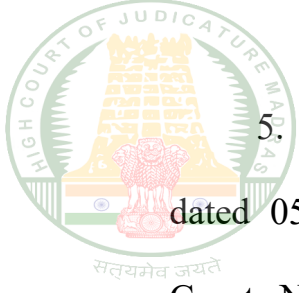
(Order of the Court was made by Dr.Anita Sumanth J.)

The mother of one Saravannan (detenu), S/o. Samikannu, 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 03.10.2025.

2. We have heard Mr.V.Muthamizh, learned counsel for petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), for the respondents.

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

4. The subjective satisfaction of the detaining authority is really no subjective satisfaction at all for two reasons. Firstly, no bail application has been filed. Despite this, the authority goes on to state that he believes that the detenu would be enlarged on bail, for which there is no basis at all. There is not even a statement that has been recorded from the relatives of the detenu to support the belief of the officer.



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5. Secondly, the reliance placed on order in Cr.M.P.No.523 of 2021 dated 05.03.2021 passed by learned Sessions Judge, District and Sessions Court, Nagapattinam, is misplaced as that order has not been placed on the booklet accompanying the grounds of detention. What has been placed at page 3 is not a bail order at all and only an order in a modification petition. The opinion of the authority is thus vitiated as mere ipse dixit.

6. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.31/2025 dated 03.10.2025 is set aside.

7. The detenu, viz., Saravannan, S/o.Samikannu, male aged 23 years, now confined in Central Prison, Cuddalore, 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.)
06-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

Note to Registry : Issue Today

To

1. The State of Tamil Nadu represented by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.



2. The District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.

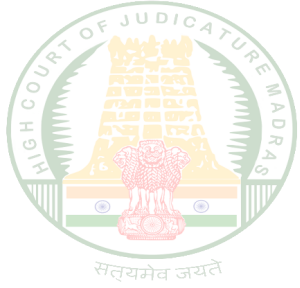
3. The Superintendent of Police
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Nagapattinam.

4. The Superintendent,
Cuddalore Central Prison,
Cuddalore District.

5. The Inspector of Police
Kilvelur Police Station,
Nagapattinam District.

6. The Public Prosecutor,
High Court of Madras.

7. 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

HCP No. 43 of 2026

06-07-2026