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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2362 of 2025

M.Vijaya
W/o.Muthu,
NO.10/20, Tsunami Quarters,
Oggiyam Thuraipakkam,
Chennai-600 097.

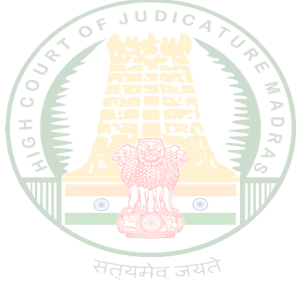
..Petitioner(s)

Vs

1. The State Of Tamilnadu, Rep By its. Secretary
To Government,
Prohibition and Excise Department, (Home),
Secretariat,
Chennai-600 009.
2. The Commissioner Of Police,
Tambaram City.
3. The Superintendent Of Prison,
Central Prison, Puzhal,
Chennai-600 066.
4. The Inspector Of Police,
T-15, Kannagi Nagar Police Station,
Chennai.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus or any other appropriate order in the nature of Writ and call for the records relating to the detenu detention order passed by the 2nd respondent BBCDEFGISSSV No.130/2025 dated 30.09.2025 and set aside the same and produce the detenu M.Vijay male aged about 27 yrs, S/o.Muthu, now detained in Central Prison, Puzhal before this Honble Court and set him at liberty.



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For Petitioner(s): Mr.S.Dhanasekar

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 M.Vijay (detenu) S/o. Muthu, 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 30.09.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing out to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Mr.S.Dhanasekar, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.

4. The subjective satisfaction of the detaining authority is vitiated for the reason that he relies upon an order passed in CrI.M.P.No.23 of 2024 dated 02.01.2024 by the Judicial Magistrate at Sriperumbudur. We find that bail in that case has been granted since charge sheet was not filed in time and the



accused was in judicial custody for more than 90 days. Hence, we do not find that the two cases are comparable. We thus find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No. BBCDEFGISSSV No.130/2025 dated 30.09.2025 is set aside.

6. The detenu, viz., M.Vijay, S/o.Muthu, aged 27 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

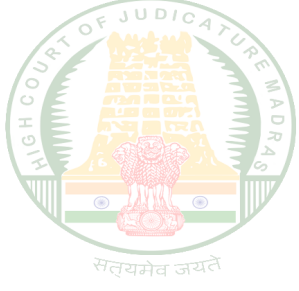
(A.S.M.,J.) (S.M.,J.)
07-07-2026

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



To

1. The Secretary To Government,
Prohibition and Excise Department (Home),
Secretariat, Chennai-600 009.
2. The Commissioner Of Police,
Tambaram City.
3. The Superintendent Of Prison,
Central Prison, Puzhal,
Chennai-600 066.
4. The Inspector Of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George,
Chennai – 9.



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HCP No. 2362 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

HCP No. 2362 of 2025

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