

HCP No. 2569 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.2569 of 2025

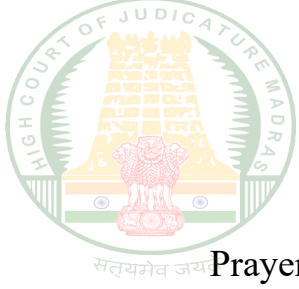
Punitha
W/o.Sankar,
TVS Medu, Muniyappan Nagar, 2nd Street,
Pallipalayam, Kumarapalayam Taluk,
Namakkal District.

...Petitioner/Mother of
the Detenue

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai -600 009.
2. The District Magistrate and
District Collector of
Namakkal District, Namakkal.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

...Respondents



HCP No. 2569 of 2025

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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 13.11.2025 in C.M.P.No.92/Goonda/2025 (M1) against the petitioner's son Lakshmanan Male aged 21 years S/o.Sankar who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner: Mr.D.Balaji

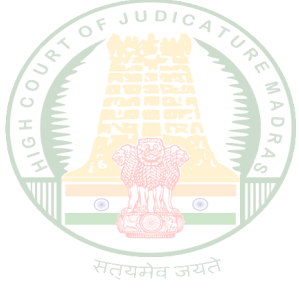
For Respondents: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of the detenu – Lakshmanan, aged 21 years, S/o.Sankar, has filed this petition challenging the detention order dated 13.11.2025, branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

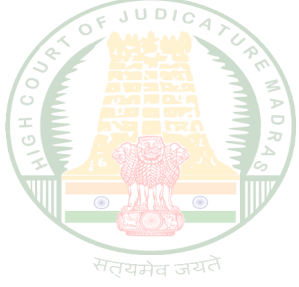
2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu for the respondents.



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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. It is seen from the grounds of detention that the detaining authority has stated that the detenu has not moved any bail application. However, he has also stated that there is real possibility of the detenu coming out on bail by filing appropriate bail application. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. For the aforesaid reason, the detention order is liable to be quashed.



HCP No. 2569 of 2025

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.92/Goonda/2025 (M1) dated 13.11.2025, is set aside.

6. The detenu, viz., Lakshmanan, aged 21 years, S/o.Sankar, who is now confined in Central Prison, Salem, is hereby 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.)
08-07-2026

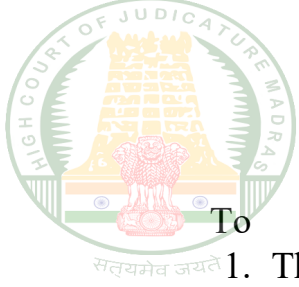
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue order copy today.

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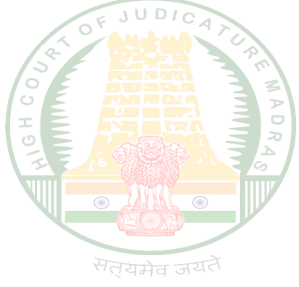
HCP No. 2569 of 2025



To

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1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai -600 009.
2. The District Magistrate and
District Collector,
Namakkal District, Namakkal
3. The Superintendent of Police
Namakkal District,
Namakkal.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Inspector of Police
Pallipalayam Police Station,
Namakkal District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
7. The Public Prosecutor,
High Court of Madras.



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HCP No. 2569 of 2025

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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