



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2727 of 2025

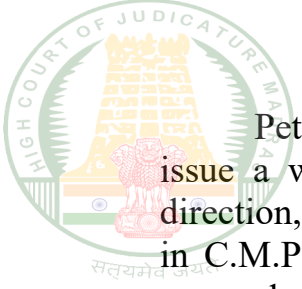
Pavalayi
W/o Kolandha Gounder,
No.4/127, Vettukattu Thottam,
Rengampalayam,
Kabilakurichi, Kabilarmalai,
Paramathi Velur Taluk, Namakkal District – 637
204.

..Petitioner(s)

Vs

1. State of Tamil Nadu
Represented by its Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The District Magistrate and District Collector,
Office of the District Collector,
Namakkal District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.
4. The Superintendent,
Central Prison, Salem.
5. The Inspector of Police
Jedarpalayam Police Station,
Paramathi Circle,
Namakkal District.

..Respondent(s)



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus or any other appropriate Writ, or order, or direction, in the nature of the writ calling for the records of the detention order in C.M.P.No.90/Goonda/2025/M1 dated 06.11.2025 on the file of the second respondent herein and quash the same and direct the respondents herein to produce the detenu Duraisamy, S/o Karuppannan Hindu aged about 43 years who is now confined in Central Prison Salem, before this Honourable Court, and set him at liberty.

For Petitioner(s): Mr.K.S.Vivekanandam
for Mr.M.Marimuthu

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

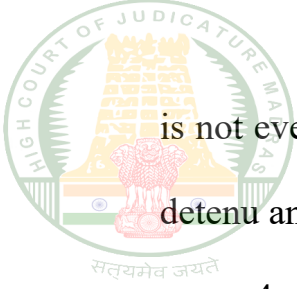
Order

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

The grandmother of one Duraisamy (detenu), S/o. Karuppanan, 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 06.11.2025.

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

3. The subjective satisfaction of the detaining authority that the detenu will be released on bail is really no subjective satisfaction at all for two reasons. Firstly, the bail application filed by the detenu in Crl.M.P.No.974 of 2025 has been dismissed on 25.10.2025 and admittedly no bail application has been filed thereafter. 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. In fact, there



is not even a credible statement that has been recorded from the relatives of the detenu and hence the same inference of the authority is mere ipse dixit.

4. That apart, the basis of the grounds of detention is the power assumed by the Commissioner of Police by virtue of G.O.(D) No.285, Home, Prohibition and Excise (XVI) Department, dated 14.10.2025. However, the G.O. has not been furnished to the detenu. This is a fatal flaw insofar as the detenu must be aware of the basis on which the police authority has proceeded to pass the detention order and framed the grounds of detention, on the basis of which he has been detained.

5. In the absence of furnishing of Government Order, the detenu will be at a loss as to what the basis is and would be denied of the opportunity of even challenging the basis of assumption of power.

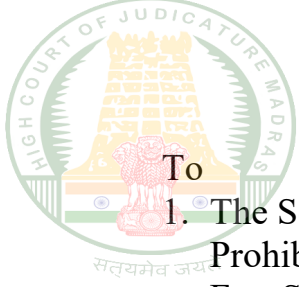
6. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.90/GOONDA/2025 (M1) dated 06.11.2025 is set aside.

7. The detenu, viz., Duraisamy, S/o.Karuppanan, male aged 43 years, now confined in Central Prison, Salem, 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.)
13-07-2026

Neutral Citation: Yes
SSM

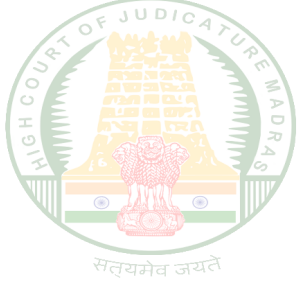
Note to Registry : Issue Today



To

1. The Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The District Magistrate and District Collector,
Office of the District Collector,
Namakkal District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.
4. The Superintendent,
Central Prison, Salem.
5. The Inspector of Police
Jedarpalayam Police Station,
Paramathi Circle,
Namakkal District.
6. The Public Prosecutor,
High Court, 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

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