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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE B.MURUGESAN

H.C.P.(MD) No.597 of 2026

Muthumalai ... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by its Additional Chief
Secretary to Government
Home, Prohibition and
Excise Department
Secretariat, Chennai-9

2.The District Collector-cum-
District Magistrate
Thoothukudi District
Thoothukudi

3.The Superintendent
Central Prison
Palayamkottai
Tirunelveli District ... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records in detention order in H.S.(M) Confdl.No.39/2026, dated 20.03.2026, on the file of the second respondent and quash the same and direct the respondents herein to produce the body of the petitioner's son, namely, Muniyasamy, son of Muthumalai, aged about 35 years, now confined in Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Veerapandi

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of Tamil Nadu (Crl.Side)

O R D E R

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner is the father of the detenu viz., Muniyasamy, aged about 35 years. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl.No.39/2026, dated 20.03.2026 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

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2. Learned counsel for the petitioner would submit that the detenu had not filed any application for bail. While so, the detaining authority relying on another case stating it to be a similar case, has inferred that there is a real possibility of the detenu coming out on bail. The subjective satisfaction recorded by the authority without disclosing the facts of the other case and without any supporting material, is a mere *ipse dixit*. Hence, he prays for setting aside the impugned detention order.

3. Heard the learned counsel for the petitioner and the learned counsel for State of Tamil Nadu (Criminal Side) appearing for the respondents and perused the materials available on record.

4. When no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Therefore, the subjective satisfaction arrived at by the detaining authority is *ipse dixit*. Further, the similar case relied on also does not pertain to a co-accused and it pertains to a different crime number. Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in ***Alagu vs The State of Tamil Nadu*** reported in ***2026 SCC OnLine SC 976 : (2026) SCC 976.*** Therefore, we are inclined to interfere with the impugned order.

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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl.No.39/2026, dated 20.03.2026, passed by the second respondent is set aside. The detenu, viz., Muniyasamy, son of Muthumalai, aged about 35 years,, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] **[B.M., J.]**

13.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
1.The Additional Chief
Secretary to Government,
Home, Prohibition and
Excise Department,
State of Tamil Nadu,
Secretariat, Chennai-9.

2.The District Collector-cum-
District Magistrate,
Thoothukudi District,
Thoothukudi.

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3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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A.D.JAGADISH CHANDIRA, J.
AND
B.MURUGESAN, J.
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