



H.C.P.(MD) No.736 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM:

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

H.C.P.(MD) No.736 of 2026

Nallathai

... Petitioner

-VS-

1.The State of Tamilnadu
rep.by its Additional Chief
Secretary to Government
Home, Prohibition and
Excise Department
Fort St.George, Chennai-600 009

2.The District Collector and
District Magistrate
Tirunelveli District

3.The Commissioner of Police
Commissioner of Police Office
Tirunelveli District

4.The Superintendent of Prison
Central Prison, Palamkottai
Tirunelveli District

... Respondents



H.C.P.(MD) No.736 of 2026

WEB C

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 No. 46/BBCDEFGISSSV/2026, dated 10.03.2026, on the file of the third respondent and quash the same and direct the respondents herein to produce the body of the petitioner's son, namely, Vinobala, son of Chellapandian, aged about 20 years, now confined in Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Kasirajan

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

ORDER

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

The petitioner is the mother of the detenu viz., Vinobala, son of Chellapandian, aged about 20 years. The detenu has been detained by the third respondent by his order No.46/BBCDEFGISSSV/2026, dated 10.03.2026 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.



H.C.P.(MD) No.736 of 2026

WEB COPY

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.



WEB COPY

H.C.P.(MD) No.736 of 2026

5. In the result, the Habeas Corpus Petition is allowed and the order of detention No.46/BBCDEFGISSSV/2026, dated 10.03.2026, passed by the third respondent is set aside. The detenu, viz., Vinobala, son of Chellapandian, aged about 20 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.]

11.08.2026

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

krk

To:

- 1.The Additional Chief
Secretary to Government,
Home, Prohibition and
Excise Department,
Fort St.George, Chennai-600 009.
- 2.The District Collector and
District Magistrate,
Tirunelveli District.
- 3.The Commissioner of Police,
Commissioner of Police Office,
Tirunelveli District.



H.C.P.(MD) No.736 of 2026

WEB COPY

- 4.The Superintendent of Prison,
Central Prison, Palamkottai,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.736 of 2026

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

H.C.P.(MD) No.736 of 2026

11.08.2026