



HCP(MD)No.759 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

HABEAS CORPUS PETITION(MD)No.759 of 2026

Sumathi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its The Additional Chief Secretary to the Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai-600 009.

2.The District Collector and District Magistrate,
Madurai District,
Madurai.

3. The Superintendent
Central Prison,
Madurai.

4.The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.36 of 2026

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of



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India, to issue a Writ of Habeas Corpus, calling for the entire records pertaining to the proceedings of the 2nd respondent made in his proceedings in BBCDEFGISSSV No.7/2026 dated 18.02.2026 and quash the same and set the petitioner's son by name Ganeshkumar @ Karuppasamy, son of Perumal, aged about 31 years, at liberty from Central Prison, Madurai/ 3rd respondent.

For Petitioner : Mr.M.Jegadeesh Pandian

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

ORDER

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

The petitioner is the mother of the detenu viz., Ganeshkumar @ Karuppasamy, son of Perumal, aged about 31 years. The detenu has been detained by the second respondent by his order in BBCDEFGISSSV No.7/2026 dated 18.02.2026, 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.

2. We have heard the learned counsel appearing for the petitioner and the learned counsel for State of Tamilnadu (Crl.Side)



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appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for the petitioner would submit that it is a solitary case and that the detenu has 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 case and without any supporting material, is a mere *ipse dixit*. Hence, the above finding is without application of mind. Thus, he prays for setting aside the impugned detention order.

4. When no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Further, the similar case relied on also does not pertain to a co-accused and it pertains to a different crime number registered in the year 2024, which reflects non-application of mind on the part of the detaining authority. Therefore, the subjective satisfaction arrived at by the detaining authority is *ipse dixit*.



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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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in BBCDEFGISSSV No.7/2026 dated 18.02.2026 passed by the second respondent is set aside. The detenu namely, Ganeshkumar @ Karuppasamy, son of Perumal, aged about 31 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

[A.D.J.C., J.] [R.P., J.]
06.08.2026

Index : Yes / No
Neutral Citation : Yes / No
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5.The Counsel for State of Tamilnadu (Crl.Side),
Madurai Bench of Madras High Court,
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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

rm

ORDER MADE IN
HCP(MD)No.759 of 2026

DATED : 06.08.2026