



H.C.P.No.832 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

H.C.P.No.832 of 2025

Abitha Begam

... Petitioner

***Vs.***

1.Government of Tamil Nadu rep. by its,  
Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Chennai – 600 009.

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

3.The Inspector of Police,  
Avinashi Palayam Police Station,  
Tiruppur District, Tiruppur.

4.The Superintendent of Police,  
The Superintendent of Police Office,  
Tiruppur District, Tiruppur.

5.The Superintendent of Police,  
Central Prison Coimbatore,  
Coimbatore.

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records culminating in the passing of the order of detention of the petitioner's son/detenu under Act 1982 as GOONDAS vide detention order in Cr.M.P.No.23/GOONDA/2025 dated 08.04.2025 on the file of the 2<sup>nd</sup> respondent herein and quash the same as illegal and produce the body and person of the detenu by name Jahir Hussain, Male, aged about 25 years, S/o.Alavudeen, before this Court and set him at liberty from the detention now confined at Central Prison, Coimbatore.

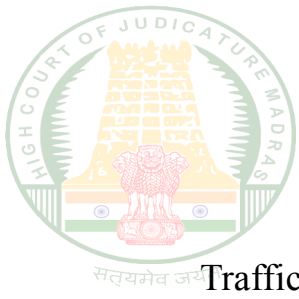
For Petitioner : Mr.M.Govindaraju

For Respondents : Mr.E.Raj Thilak,  
Additional Public Prosecutor

### **ORDER**

(Order of the Court was made by *M.S. RAMESH, J.*)

The petitioner herein, who is the mother of the detenu namely Jahir Hussain, aged about 25 years, S/o.Alavudeen, has come forward with this petition challenging the detention order passed by the second respondent dated 08.04.2025 issued against her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral



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Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner mainly contended on the ground that the Detaining Authority was swayed by the fact that there is possibility of detenu coming out on bail by filing another bail petition. However, the subjective satisfaction that has been arrived at by the Detaining Authority at Paragraph No.5 of the grounds of detention is not supported by any materials. Therefore, the same suffers from non-application of mind.

4. On a perusal of the grounds of detention, this Court finds that the Detaining Authority has considered the fact that there is possibility of detenu coming out on bail by filing another bail petition and hence, came to the conclusion that there is an imminent possibility of the detenu



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coming out on bail. However, the satisfaction that has been arrived at by the Detaining Authority is merely on surmises and there are no materials to show that he is taking steps to file a bail petition by himself or through his relatives or it was merely on the presumption made by the Detaining Authority and hence, the same reflects non-application of mind on the part of the Detaining Authority.

5. The Hon'ble Supreme Court, in the case of ***'Rekha Vs. State of Tamil Nadu through Secretary to Government and another'*** reported in ***'2011 [5] SCC 244'***, has dealt with a situation where the Detention Order is passed without an application of mind. In case, any of the reasons stated in the order of detention is non-existent or a material information is wrongly assumed, that will vitiate the Detention Order. When the subjective satisfaction was irrational or there was non-application of mind, the Hon'ble Supreme Court held that the order of detention is liable to be quashed. It is relevant to extract paragraph Nos.10 and 11 of the said judgment of the Hon'ble Supreme Court:-

*“10.In our opinion, if details are given by the respondent authority about the alleged bail orders in*



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*similar cases mentioning the date of the orders, the bail application number, whether the bail order was passed in respect of the co-accused in the same case, and whether the case of the co-accused was on the same footing as the case of the petitioner, then, of course, it could be argued that there is likelihood of the accused being released on bail, because it is the normal practice of most courts that if a co-accused has been granted bail and his case is on the same footing as that of the petitioner, then the petitioner is ordinarily granted bail. However, the respondent authority should have given details about the alleged bail order in similar cases, which has not been done in the present case. A mere ipse dixit statement in the grounds of detention cannot sustain the detention order and has to be ignored.*

*11. In our opinion, the detention order in question only contains ipse dixit regarding the alleged imminent possibility of the accused coming out on bail and there was no reliable material to this effect. Hence, the detention order in question cannot be sustained.”*

**6.** In view of the ratio laid down by the Hon'ble Supreme Court and



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in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Accordingly, the detention order passed by the second respondent on 08.04.2025 in Cr.M.P.No.23/GOONDA/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Jahir Hussain, aged about 25 years, S/o.Alavudeen, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.S.R, J.]

[V.L.N, J.]

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

*Sni*



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- To
- 1.The Additional Chief Secretary to Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Chennai – 600 009.
  - 2.The District Magistrate and District Collector,  
Tiruppur District, Tiruppur.
  - 3.The Inspector of Police,  
Avinashi Palayam Police Station,  
Tiruppur District, Tiruppur.
  - 4.The Superintendent of Police,  
The Superintendent of Police Office,  
Tiruppur District, Tiruppur.
  - 5.The Superintendent of Police,  
Central Prison Coimbatore,  
Coimbatore.
  - 6.The Public Prosecutor,  
High Court, Madras.
  - 7.The Joint Secretary, Public (Law & Order),  
Chennai – 600 009.



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**M.S.RAMESH, J.**  
**and**  
**V. LAKSHMINARAYANAN, J.**

*Sni*

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