



H.C.P.No.1052 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH
AND
THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.1052 of 2025

Mahalakshmi

.. Petitioner

Vs.

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

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

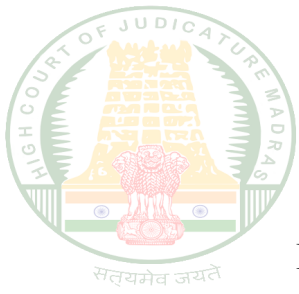
3.The Superintendent of Police
O/o.The Superintendent of Police
Kanchipuram, Kanchipuram District

4.The Superintendent of Prison
Central Prison, Puzhal
Chennai

5.State rep. by its
Inspector of Police
Kanchi Taluk Police Station
Kanchipuram
Kanchipuram District

.. Respondents

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Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus calling for the records relating to the proceedings of the 2nd respondent herein Rc.No.332/2025/M6-D.O.No.10/2025 dated 08.04.2025 and quash the same and produce the detenu Siva, male, aged 19 years, S/o.Dhamodharan, TPDA No.6975 now detained at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For petitioner : Mr.K.G.Senthil Kumar
For respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

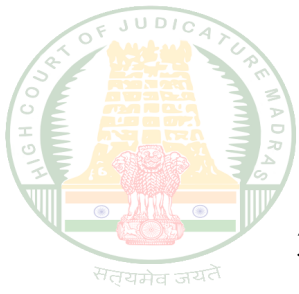
ORDER

M.S.RAMESH, J.
AND
V. LAKSHMINARAYANAN, J.

The petitioner, who is the mother of the detenu, Siva, aged 19 years, S/o.Dhamodharan, confined at Central Prison, Puzhal, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 08.04.2025 issued against her son, branding him as "Goonda" under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 [Central Act No.7 of 1980].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

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3. Though several grounds are raised in the petition, the learned counsel for the petitioner pointed out that the Detaining Authority has not applied its mind while expressing its subjective satisfaction that the detenu is also likely to be released on bail. It is his submission that the case relied upon by the Detaining Authority is not similar to the present case, as the bail was granted to the accused therein only by referring to Covid-19 pandemic.

4. On a perusal of the Booklet, this Court finds that the bail order relied upon by the Detaining Authority in CrI.M.P.No.1184 of 2020 dated 02.07.2020, is not similar to the case on hand, since the accused therein was released on bail mainly by citing Covid-19. Therefore, this Court finds that the subjective satisfaction of the Detaining Authority is irrational and the detention order is liable to be quashed on the ground of non-application of mind.

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



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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 paragraphs 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 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 in



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

7. Hence, for the aforesaid reasons, the detention order passed by the 2nd respondent on 08.04.2025 in Rc.No.332/2025/M6-D.O.No.10/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Siva, aged 19 years, S/o.Dhamodharan, presently confined at Central prison, Puzhal, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(M.S.R.,J.) (V.L.N.,J.)
18.07.2025

Index : Yes/No
Neutral Citation : Yes/No
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AND

V.LAKSHMINARAYANAN, J.

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To

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Home, Prohibition and Excise Department
Secretariat, Chennai 9

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Kanchipuram, Kanchipuram District

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Kanchipuram District

6.The Joint Secretary
Law and Order Department
Secretariat, Chennai

18.07.2025

7.The Public Prosecutor
High Court, Madras