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HCP No.1153 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

HCP No. 1153 of 2025

1. MUMTAJ, F/ 51 years
W/o. Settu, No.7, Rajeev Nagar,
Velampalayam, Tiruppur.

Petitioner(s)

Vs

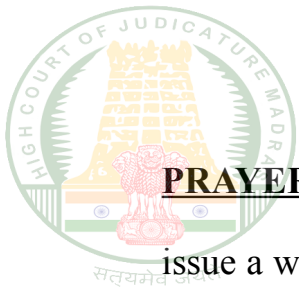
1. State of Tamilnadu,
rep. by its Secretary to Govt.,
Home, Prohibition and Excise Department
Fort St. George, Chennai.

2.The Commissioner of Police/detaining
authority,
Tiruppur City.

3.Superintendent of Prison,
central prison, coimbatore.

4.The State Rep. by the Inspector of Police,
South police station, Tiruppur city.

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a writ of habeas corpus or any other appropriate writ or order in the nature of writ call for records in connection with the order of detention passed by the 2nd respondent made in his order C.No.35/D.O./IS/Tiruppur city/2025 dated on 04.06.2025 against the petitioner's son Rahim, s/o. Settu aged about 26 years who is confined at central prison, Coimbatore under the Tamil Nadu Act 14 of 1982 as GOONDA and to quash the same and direct the respondents to produce the detainee Rahim s/o.Settu aged about 26 years before this honourable court and set him at liberty.

For Petitioner(s): Mr. P.Thinesh

For Respondent(s): Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

J.NISHA BANU J.

and

S.SOUNTAR J.

The petitioner herein is the mother of detainee, viz., Rahim, s/o. Settu aged about 26 years, confined at Central Prison, Coimbatore and she came forward with this petition challenging the detention order passed by the second respondent, dated 04.06.2025, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic



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

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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner contended that, in the Report submitted by the Sponsoring Authority to the Detaining Authority, found at page No.217 of Volume-I Booklet, the date, from which, the detenue and other accused have been confined at Central Prison, Coimbatore, has not been mentioned. Therefore, such omission, while invoking the provisions of Act 14 of 1982, has deprived the detenue of an opportunity to make an effective representation. Hence, the learned counsel for the petitioner submitted that the above said lapses on the part of the sponsoring authority would be sufficient for the purpose of setting aside the order of detention.

4. On perusal of records, it is seen that the Sponsoring Authority had submitted a Report to the Detaining Authority, which is found at page No.217 of Volume-I Booklet. In the said report, the date, from which, the detenue has been confined at Central Prison, Coimbatore has not been mentioned. Hence,



this Court is of the view that the subjective satisfaction of the Detaining Authority based on such undated material, suffers from 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 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 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



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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 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 second respondent dated 04.06.2025 in C.No.35/D.O./IS/Tiruppur City/2025 is hereby quashed and the Habeas Corpus Petition is allowed. The detenue, viz., **Rahim, S/o Settu, aged about 26 years** confined at Central Prison, Coimbatore is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(J.NISHA BANU J.) (S.SOUNTHAR J.)

07/10/25

Index: Yes/No

Internet: Yes

MST



To

WEB COPY The Secretary to Govt.,
Home, Prohibition and Excise Department
Fort St. George, Chennai.

2.The Commissioner of Police/detaining authority,
Tiruppur City.

3.Superintendent of Prison,
central prison, coimbatore.

4.The Inspector of Police,
South police station, Tiruppur city.

5. The Pubic Prosecutor,
Madras High court.



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