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HCP No. 1292 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

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

H.C.P No. 1292 of 2025

1. Thenmozhi

W/o.Suresh, No.5715, Tamil Nadu
Housing Board, Semmancherry,
Chennai - 600 119.

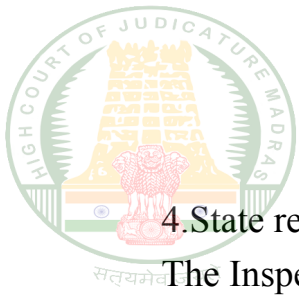
Petitioner(s)

Vs

1. The Principal Secretary to
Government,
Home, Prohibition and Excise
Department, Secretariat, Fort
St.George, Chennai - 600 009.

2.The Commissioner of Police,
Tambaram City, Office of the
Commissioner of Police,
Sholinganallur, Chennai - 600 119.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai - 600
066.



4.State rep. by its,

The Inspector of Police, Semmancherry

Police Station, Chennai.

Respondent(s)

PRAYER

The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a writ of Habeas Corpus to call for the entire records, relating to the petitioners husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 24.05.2025 on the file of the second respondent herein made in proceedings Memo in BCDFGISSSV No.58/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioners husband namely R.Suresh, S/o.Ramesh, aged 27 years before this Court and set the petitioner's husband at liberty.

For Petitioner(s): Ms. S.Vedavalli

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

ORDER

J. NISHA BANU, J.

and

S. SOUNTHAR, J.

The petitioner herein, who is the wife of the detenu namely, **R.Suresh**, aged 27 years, S/o.Ramesh, has come forward with this petition challenging the detention order passed by the second respondent dated 24.05.2025 slapped on her husband, branding him as "Goonda" 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 are raised in this petition, the learned counsel for the petitioner focused mainly on the ground that the subjective satisfaction of the Detaining Authority that the relatives of the detenu are taking steps to take out the detenu on bail, suffers from non-application of mind, as the Special Report of the Sponsoring Authority is not dated. Hence, the learned counsel raised a *bona fide* doubt as to the date on which the Special Report was sent by the Sponsoring Authority to the Detaining Authority. The learned counsel further pointed out that, unless the Special Report of the Sponsoring Authority is immediately before the Detention Order, it may not have relevance and hence, the subjective satisfaction of the Detaining Authority based on these undated documents, would vitiate the Detention Order.

4. It is seen from the records that in Page Nos.147 and 149 of the Volume-I, the Special Report of the Sponsoring Authority is not dated. When the Special Report of the Sponsoring Authority is not dated, the veracity of the



Report becomes doubtful. The compelling necessity to detain the detenu would also depend on when the Sponsoring Authority has sent his Report. Hence, this Court is of the view that the subjective satisfaction arrived at by the Detaining Authority based on such undated materials, 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



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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 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 24.05.2025 in BCDFGISSSV No.58/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., **R.Suresh**, aged 27 years, **S/o.Ramesh**, confined at Central Prison, Puzhal, Chennai, 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.)

23-09-2025

ASI



To

1. The Principal Secretary to Government,
Home, Prohibition and Excise
Department, Secretariat, Fort
St. George, Chennai - 600 009.

2. The Commissioner of Police,
Tambaram City, Office of the
Commissioner of Police,
Sholinganallur, Chennai - 600 119.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.

4. The Inspector of Police,
Semmancherry Police Station, Chennai.

5. The Public Prosecutor,
High Court of Madras, Chennai.



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