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H.C.P.No.1324 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1324 of 2025

Sakthi

... Petitioner/Mother of the detenue

-VS-

1. State of Tamil Nadu,

Rep. by The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.

2. The Commissioner of Police,

The Greater Chennai City,
Vepery, Chennai-600 007

3. The Superintendent of Prison,

Central Prison, Puzhal,
Chennai-600 066.

4. The Inspector of Police,

G5-Secretariat Colony Police Station,
Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order in Memo No.261/BCDFGISSSV/2025 dated 16.05.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same



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as illegal and direct the respondents to produce the petitioner's husband Dinesh @ Society Dinesh, S/o.Loganathan, aged about 30 years, the detainee as Goonda now he is confined in Central Prison, Puzhal, Chennai before this Honble court and set him at liberty.

For Petitioner : Mr.C.Jagan
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the wife of the detenu, namely Dinesh @ Society Dinesh, S/o.Loganathan, aged about 30 years, detained at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order dated 16.05.2025, passed by the second respondent in Memo No.261/BCDFGISSSV/2025, branding him as a "Goonda", as contemplated under Section 2 (f) of 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).

2. Heard the learned counsel for the petitioner and the learned



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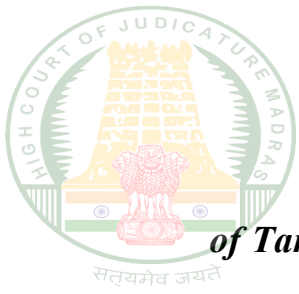
Additional Public Prosecutor appearing for the respondents.

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3. Though several grounds are raised in this petition, the learned counsel for the petitioner focused mainly on the ground that the in the Special Report addressed to the 2nd respondent by the 4th respondent, the date of arrest has been wrongly mentioned as 04.05.2024, based on which, the subjective satisfaction arrived at by the Detaining Authority suffers from non-application of mind and therefore, the same would vitiate the Detention Order.

4. It is seen from records that the date of arrest has been inadvertently shown as 04.05.2024 in the Special Report of the 4th respondent as found in Page No.32 of the Booklet (Vol.I), whereas the actual arrest is dated 04.05.2025. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority based on the wrong date, suffers from non-application of mind.

5. The Hon'ble Supreme Court, in the case of '*Rekha Vs. State*



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of Tamil Nadu through Secretary to Government and another' reported in
WEB CO'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 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



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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.”

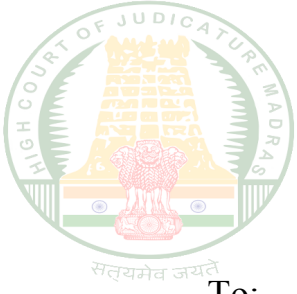
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, the Habeas Corpus Petition is allowed and the Detention Order passed by the Second Respondent in Memo No.261/BCDFGISSSV/2025 dated 16.05.2025, is hereby set aside. The detenu, viz., Dinesh @ Society Dinesh, S/o.Loganathan, aged 30 years, who is now confined in the Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.N.B.J.) (S.S.J.)
17.09.2025

Index: Yes / No
Internet: Yes / No
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.



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To:
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1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai-600 007
3. The Superintendent of Prison,
Central Prison, Puzhal,
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G5-Secretariat Colony Police Station,
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5. The Public Prosecutor,
High Court, Madras.

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