



DATED: 06-11-2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1708 of 2025

Mariyammal,
W/o Selvaraj

..Petitioner

Vs

1. State of TamilNadu,
rep. by the Additional Chief Secretary to Government,
Home, Prohibition and 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,
K-4, Anna Nagar Police Station,
Chennai.

..Respondents

Habeas Corpus Petition filed under Article 226 of the constitution
of India to issue a Writ of Mandamus to call for the records relating to the



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detention order in Memo No.453/BCDFGISSSV/2025 dated 07.07.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Arjun, S/o Selvaraj aged 22 years, the detenue, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.M.Kaveriselvam

For Respondents : Mr.A.Gokulakrishnan,Addl.P.P.

ORDER

(The Order of the Court was made by N.Sathish Kumar)

The petitioner is the mother of the detenu, viz., Arjun, S/o Selvaraj, aged 22 years, who is confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.453/BCDFGISSSV/2025 dated 07.07.2025, 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].

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. The learned counsel for the petitioner would state that though the detenu was formally arrested while he was already in custody, the same has not been taken note of by the detaining authority while arriving at a subjective satisfaction that there is compelling necessity to detain him in order to prevent him from indulging in such further activities. Hence, the subjective satisfaction arrived at by the Detaining Authority without indicating the formal arrest of the detenu in the adverse case, while he is in custody, would vitiate the Detention Order.

4. It is seen from the records that in Page No.28 at para No.4 of the detention order, the detaining authority has stated that there is real possibility of the detenu coming out on bail by filing bail application and had also stated that he is satisfied that the the detenu Thiru.Arjun is a Goonda and that there is compelling necessity to detain him in order to prevent him from indulging in such further activities in future but there is no indication about the formal arrest of the detenu in respect of the



adverse cases. Hence, this Court is of the view that the subjective satisfaction arrived at by the Detaining Authority without indicating the formal arrest made in the adverse cases, 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 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 Habeas Corpus Petition is allowed and the detention order passed by the second respondent in No.453/BCDFGISSSV dated 07.07.2025 is hereby set aside. The detenu, viz., Arjun, aged 22 years, S/o Selvaraj, 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.

vsi

(N.S.K.,J.) (M.J.R.,J.)
06.11.2025

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
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2. The Commissioner of Police,
The Greater Chennai City,
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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

vsi



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