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H.C.P.No.1683 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1683 of 2025

Nalini

... Petitioner/detenuue's mother

-VS-

1. The Additional Chief Secretary,
Home, Prohibition & Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai-600 119.
3. The Superintendent of Prisons,
Central Prison, Puzhal-II,
Chennai-600 066.
4. The Inspector of Police,
T-9, Maraimalai Nagar Police Station,
Chengalpattu-603 203.

... 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 BCDFGISSSV No.62/2025 dated 29.05.2025 passed by the 2nd



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respondent and set aside the same and direct the respondent to produce the body of the detainee Nandhakumar, S/o.Nagarajan, aged 23 years now detained in Central Prison-II, Puzhal, Chennai before this Court and set him liberty forthwith.

For Petitioner : Mr.M.Mohamed Yasin
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the mother of the detainee, namely Nandhakumar, S/o.Nagarajan, aged 23 years, detained at Central Prison-II, Puzhal, Chennai, has come forward with this petition challenging the detention order dated 29.05.2025, passed by the second respondent in BCDFGISSSV No.62/2025, 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 Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in this petition, the



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learned counsel for the petitioner focused mainly on the ground that the Special Report of the Inspector of Police, T9, Maraimalai Nagar Police Station, is undated. Hence, the subjective satisfaction of the Detaining Authority based on this undated Report, would vitiate the Detention Order.

4. Learned Additional Public Prosecutor has not refuted the furnishing of undated Special Report to the detainee.

5. It is seen from records that the Special Report furnished to the detainee, that is enclosed in the Booklet at Pg.No.331 of the Booklet stating that she is planning to file a bail application to bring out the detainee on bail, is not dated. On a perusal of the Grounds of Detention, it is seen that the Detaining Authority has arrived at the subjective satisfaction for detaining the detainee as Goonda on the basis of the Special Report of the concerned Inspector of Police. 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.

6. 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

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“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.”

7. 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.

8. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the **SECOND RESPONDENT** in **BCDFGISSSV No.62/2025** Dated **29.05.2025**, is hereby set aside. The detainee, viz., **Nandhakumar**, S/o.Nagarajan, aged 23 years, who is now confined in the **Central Prison-II, 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.)
09.10.2025

Index: Yes / No
Internet: Yes / No
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To:

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High Court, Madras.

J.NISHA BANU, J.



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