Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

HCP.No.1175 of 2026

CNR: {HCMA011424952026}

Agilandeshwari

..Petitioner(s)

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 District Magistrate and District Collector,
   Namakkal District, Namakkal.

3. The Superintendent of Police,
   Namakkal District, Namakkal.

4. The Superintendent of Prison,
   Central Prison, Salem.

5. The Inspector of Police,
   Kumarapalayam Police Station,
   Namakkal District.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, calling for the records relating to the detention order dated 10.05.2026 passed by the second respondent in his proceedings bearing C.M.P.No.35/GOONDA/2026/(M1), quash the same and to consequently, direct the respondents herein to produce the petitioner's husband namely, Sakthivel, son of Kumar, aged about 28 years, who is presently

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undergoing detention in the Central Prison, Salem, as Goonda before this Court and set him at liberty.

For Petitioner(s) : Mr.C.S.Saravanan

For Respondent(s) : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the wife of the detenu viz., Sakthivel, son of Kumar, aged about 28 years. The detenu has been detained by the second respondent by his order in C.M.P.No.35/GOONDA/2026/(M1), dated 10.05.2026, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (TN Act 14, 1982). The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner would submit that the detenu had not filed any application for bail. While so, the detaining authority, relying on another case stating it to be a similar case, has inferred that there is a real possibility of the detenu coming out on bail. The subjective satisfaction recorded by the authority without disclosing the facts of the other case and without any supporting material, is a mere *ipse dixit*. Hence, he prays for setting aside the impugned detention order.

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3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. When no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Therefore, the subjective satisfaction arrived at by the detaining authority is an *ipse dixit*. That apart, the similar case relied on also does not pertain to a co-accused and it pertains to a different crime number. Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in ***Alagu vs. The State of Tamil Nadu reported in 2026 SCC OnLine SC 976***. Therefore, we are inclined to interfere with the impugned order.

5. In the result, the Habeas Corpus Petition stands **allowed** and the order of detention bearing C.M.P.No.35/GOONDA/2026/(M1), dated 10.05.2026, passed by the second respondent, is hereby set aside. The detenu, viz., Sakthivel, son of Kumar, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(A.D.J.C., J.) (B.K., J.)
30.10.2026

skt

Neutral Citation: Yes/No

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To:

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3. The Superintendent of Police,
Namakkal District, Namakkal.

4. The Superintendent of Prison,
Central Prison, Salem.

5. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

6. The Public Prosecutor,
Madras High Court.

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A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

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