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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1612 of 2026

CNR: {HCMA011990802026}

Shanthi ..Petitioner(s)

Vs

1. The State represented by its,
   Government of Tamil Nadu rep. by its,
   The Additional Chief Secretary,
   Home Prohibition and Excise Department,
   Secretariat, Chennai.

2. The District Magistrate and District Collector
   Kancheepuram District.

3. The Superintendent of Prison
   Central Prison,
   Vellore District.

4. The Inspector of Police
   Kanchi Taluk Police Station,
   Kancheepuram District. ..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus or any other appropriate writ, order or direction in the nature of writ calling for the records in Detention order passed in Rc.No.261/2026/M6, D.O. No. 14/2026, dated 13-5-2026 on the file of the

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2nd respondent herein and quash the same and direct the respondents herein to produce petitioner's son Dhanus S/o. Veerasamy, aged 21 years, now confined at the Central Prison, Vellore District before this Court and set him at liberty.

For Petitioner(s): Mr.D.Padmanabhan

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

ORDER

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

The petitioner, who is the mother of the detenu Dhanush, son of Veerasamy, aged about 21 years, has come forward with this petition challenging the detention order passed by the second respondent in Rc.No.261/2026/M6, D.O.No.14/2026 dated 13.05.2026 branding him as a "Goonda" under Section 2(f) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand 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 and perused the materials available on record.

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3. The learned counsel for the petitioner submitted that the detenu had not filed any application for bail in respect of the ground case so far. While so, the detaining authority, relying on another case by stating it to be a similar case, inferred that there is a real possibility of the detenu coming out on bail. He further submitted that the subjective satisfaction recorded by the detaining 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.

4. When no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Further, the similar case relied on also does not pertain to a co-accused and it pertains to a different crime number and further, in that case, bail was granted on the ground that co-accused was enlarged on bail by this Court, whereas, in the case on hand, none of the co-accused has been granted bail and hence, the same cannot be treated as a similar case. Therefore, the subjective satisfaction arrived at by the detaining authority is a mere *ipse dixit.* Further, 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.

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5. In the result, this Habeas Corpus Petition is allowed and the order of detention in Rc.No.261/2026/M6, D.O.No.14/2026, dated 13.05.2026, passed by the second respondent, is set aside. The detenu, viz., Dhanush, son of Veerasamy, aged about 21 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.)**

27-10-2026

Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary,
Home Prohibition and Excise Department,
Secretariat, Chennai.

2. The District Magistrate and District Collector,
Kancheepuram District.

3. The Superintendent of Prison,
Central Prison,
Vellore District.

4. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

5. The Public Prosecutor,
High Court of Madras.

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AND
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