



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1786 of 2025

Murugammal
W/o.Selvam,
No.25, Mariamman Koil Street,
Muthulingampet,
Pondicherry State

..Petitioner(s)

Vs

1. State of Tamil Nadu
Represented by Add Chief Secretary,
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate,
Mayiladuthurai District.
3. The Superintendent of Police,
Mayiladuthurai District.
4. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Sembanarkoil Police Station,
Tharangambadi Taluk,
Mayiladuthurai district.



..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of Constitution of India for issuance of writ of Habeas Corpus or any other appropriate writ or order or direction in the nature of the writ calling for the records of the detention 06.08.2025 in detention order C.O.C.No.33/2025 on the file of the Second respondent herein and quash the same and direct the respondent herein to produce the detenu Manikandan S/o.Selvam, Hindu aged about 36 years who is now confined in Central Prison, Cuddalore before the Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.R.Thamaraiselvan
For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M.Sylvester John
Advocate

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Mr.R.Thamarai Selvan, learned counsel for the petitioner and Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents.

2. The challenge is to an order of detention dated 06.08.2025, whereunder the detenu Manikandan (Suththimani) aged 36, S/o. Selvam has been branded as a Goonda in terms of Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short 'Act').



3. It is the say of the petitioner that absolutely no grounds have been made out to sustain the impugned order, apart from a reference to the bail petition filed in the case of one Kanagaraj S/o Marimuthu. Hence, and in the absence of any valid basis for the satisfaction of the Sponsoring Authority, the impugned order cannot be sustained.

4. Per contra, the submission of the learned Additional Public Prosecutor is to the effect that the impugned order has categorically referred to bail having been granted in a similar case in Cr.No.558 of 2023 in the case of Kanagaraj S/o Marimuthu by the District and Sessions Judge, Mayiladuthurai in CrI.M.P.No.2015 of 2024 on 05.09.2024.

5. Learned Additional Public Prosecutor would however fairly accede to the position that there has been no material brought on record by the Sponsoring Authority to even indicate that bail has been moved on behalf of the petitioner by himself or on his behalf by a relative, barring reference to the case of Kanagaraj. There is no other ground made out in the impugned order.

6. Having heard both learned counsel, we are of the considered view that the petitioner is to succeed. As noted, the only ground set out in the impugned order is reliance on the bail granted on 05.09.2024 to Kanagaraj, S/o Marimuthu.



7. We have had the benefit of the order passed on 05.09.2024 in that case.

The District and Sessions Judge, Mayiladuthurai has categorically noted even at the very outset in that order that Kanagaraj was remanded to judicial custody on 28.10.2023 and had been in custody for 310 days as on the date of that order. Since he was the only breadwinner in his family and on the other grounds set out on his behalf in that matter, bail had been granted.

8. We are of the view that, that bail order has no relevance to the present case and hence the subjective satisfaction stated to have been arrived at by the Sponsoring Authority on the basis of that order, is no satisfaction at all. No adverse cases have been noted in the order of detention, though the status report filed by learned Additional Public Prosecutor indicates pendency of some cases relating to the occurrences of the years 2015, 2017 and 2022.

9. The date of remand is 07.07.2025 and the detention order has been passed on 06.08.2025 after a period of one month. There is no valid ground that has been placed before us to justify the elapse of one month. That apart, there is not even an assertion in the impugned order by the Sponsoring Authority that a bail application is being moved. Evidently, satisfaction cannot be based on mere whims and fancies of the Sponsoring Authority, sans concrete material to support the same.



10. For the reasons stated above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.33/2025 dated 06.08.2025 is hereby set aside.

11. The detenu, viz., Manikandan S/o.Selvam, aged 36 years, who is now confined in Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
04-03-2026

Index: Yes/No

Speaking order

Neutral Citation: Yes

sl

Note: Registry is directed to issue a copy of this order today.

To

1. The Additional Chief Secretary,
State of Tamil Nadu,
Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai-600 009.
2. The District Collector and District Magistrate,
Mayiladuthurai District.
3. The Superintendent of Police, Mayiladuthurai District.
4. The Superintendent of Prison,
Central Prison, Cuddalore, Cuddalore District.
5. The Inspector of Police,
Sembanarkoil Police Station,
Tharangambadi Taluk, Mayiladuthurai district.



WEB COPY

HCP No. 1786 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

sl

6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order), Fort St.George, Chennai-9.

HCP No. 1786 of 2025

04-03-2026