Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1826 of 2026

CNR: {HCMA012141542026}

P.Sudha ..Petitioner(s)

Vs

1. State of Tamil Nadu rep. by,
   The Additional Chief Secretary of Government,
   Home, Prohibition and Excise Department,
   Secretariat, Fort St, George, Chennai – 9.

2. The Commissioner of Police,
   Greater Chennai,
   Vepery, Chennai – 07.

3. The Superintendent,
   Special Prison for Women,
   Puzhal, Chennai – 66.

4. The Inspector of Police,
   S-3 Meenambakkam Police Station,
   Chennai – 27. ..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 Writ or Order in the nature of Writ call for records in connection with the order of Detention passed by the second respondent in No.402/BBCDEFGISSSV/2026 dated 17/08/2026 against the petitioner's daughter Sadana alias Sanjay, Transgender D/o.Babu, age 24, years who is confined at the Special Prison for Women, Puzhal and set

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aside the same and direct the respondents to produce the detenue before the Court and set her at liberty.

For Petitioner(s): Mr. R.Sankarasubbu

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

The petitioner, who is the mother of the detenue Sadana alias Sanjai, Transgender, D/o.Babu, aged about 24 years, has come forward with this petition challenging the detention order passed by the second respondent in No.402/BBCDEFGISSSV/2026 dated 17.08.2026 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. Learned counsel for the petitioner submitted that the detaining authority, in order to pass the detention order against the detenue, has relied on the ground case registered in Crime No.70 of 2026 on the file of the fourth respondent Police Station for offence under Section 309(4) of BNS, 2023. He further submitted that even in the averments relating to the ground case, it is stated that the detenue, along with two other transgenders, had snatched the Arabian Riyals from the purse of the complainant and run away from the scene of occurrence. However, in final sub-paragraph of Paragraph No.3 of the

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grounds of detention 3 annexed to the detention order, the detaining authority had averred that by committing the aforesaid described grave crime in the public during the busy night time, the detenue had created alarm and a feeling of insecurity in the minds of the people of the area and thereby, acted in a manner prejudicial to the maintenance of public order. He, therefore, contended that the subjective satisfaction recorded by the detaining authority, without placing reliance on any supporting material, is a mere *ipse dixit* and hence, prayed for setting aside the impugned detention order.

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. On a perusal of the materials available on record, we find a material contradiction between the grounds of detention and the actual facts of the ground case. While the detaining authority averred in final sub-paragraph of Paragraph No.3 of the grounds of detention that the detenue had created alarm and a feeling of insecurity in the minds of the public, thereby, acting in a manner prejudicial to the maintenance of public order, the averments in the complaint disclose that immediately after snatching the Arabian Riyals from the complainant, the detenue attempted to run away while the co-accused uttered, "Va; rhjdh rPf;fpuk; tho Xo tplyhk;." before escaping towards

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Pallavaram. The accused did not create any ruckus or public disturbance in the area. In such circumstances, the observation made by the detaining authority that the detenue's actions disrupted public order is devoid of material support. This contradiction clearly shows non-application of mind on the part of the detaining authority, rendering the subjective satisfaction a mere *ipse dixit*. Hence, we are of the considered opinion that the impugned detention order is vitiated and is liable to be quashed on this ground alone.

5. In the result, this Habeas Corpus Petition is allowed and the order of detention in No.402/BBCDEFGISSSV/2026, dated 17.08.2026, passed by the second respondent, is set aside. The detenue, viz., Sadana alias Sanjai, Transgender, D/o. Babu, aged about 24 years is directed to be released forthwith unless her detention is required in connection with any other case.

(A.D.J.C., J.) (B.K., J.)
28-10-2026

Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary of Government,
   Home, Prohibition and Excise Department,
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2. The Commissioner of Police,
   Greater Chennai,
   Vepery, Chennai – 07.

3. The Superintendent,
   Special Prison for Women,
   Puzhal, Chennai – 66.

4. The Inspector of Police,
   S-3 Meenambakkam Police Station,
   Chennai – 27.

5. The Public Prosecutor,
   High Court of Madras.

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AND
B.KARTHIKEYAN, J.

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