



WEB COPY

HCP No. 1841 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1841 of 2025

Muthu
S/o. Mookkan,
Door No. 03/33, Attiyanur Colony,
Thadhampatti, Agraharam Post,
Harur Taluk, Dharmapuri District.
Now Confining at Central Prison, Salem.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept.,
Fort St. George, Secretariat, Chennai - 600009.
2. The District Magistrate and District Collector,
office of the District Magistrate and District
Collector,
Dharmapuri District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Dharmapuri District.
4. The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty, Salem.



5. The Inspector of Police
Hasur Police Station,
Dharmapuri.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of 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 in No. SC.No.14/2025/C1 dated 19.08.2025 on the file of the 2nd Respondent and set aside the same and direct the respondents herein to produce the petitioner/ detenu Mr.Muthu S/o.Mookkan aged about 50 years now confined in Central Prison at Salem before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.M.Mohamed Saifulla
For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr. M. Sylvester John

ORDER

(Order of the Court was made by Sunder Mohan J.)

We have heard Mr.M.Mohamed Saifulla, 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 19.08.2025, whereunder the detenu Muthu, male aged 50 years, S/o.Mookkan, 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. Learned counsel for the petitioner would submit that the detention order is liable to be set aside as it suffers from non-application of mind, inasmuch as the detaining authority while recording the fact that the petitioner's bail application is pending has not referred to the dismissal of the same on 11.08.2025, much prior to the detention order.

4. Learned Additional Public Prosecutor confirms that the petitioner's bail application was dismissed on 11.08.2025.

5. It is seen from the impugned order of detention dated 19.08.2025 that the detaining authority had observed that the detenu's bail application is pending in CrI.M.P.No.775 of 2021. The records reveal that such bail application was dismissed on 11.08.2025. Since the detaining authority has not considered the relevant material, the detention order suffers from non-application of mind and is liable to be set aside.

6. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in S.C.No.14/2025/C1 dated 19.08.2025 is hereby set aside.



7. The detenu, viz., Muthu, S/o.Mookkan, male aged 22 years, who is now confined in Central Prison, Salem, is 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.)

18-03-2026

sl

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today. (i.e., 18.03.2026)

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept.,
Fort St. George, Secretariat, Chennai - 600009.
2. The District Magistrate and District Collector,
office of the District Magistrate and District Collector,
Dharmapuri District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Dharmapuri District.
4. The Superintendent of Prison,
Central Prison at Salem, Hasthampatty, Salem.
5. The Inspector of Police
Hasur Police Station, Dharmapuri.
6. The Public Prosecutor, High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order), Secretariat, Fort.St.George, Chennai -9.



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