WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1842 of 2026

CNR:{HCMA012274242026}

Case QR

Sangeetha ..Petitioner(s)

Vs

1. The State Rep. by,
   The Additional Chief Secretary to Government,
   Home, Prohibition and Excise Department,
   Secretariat, Chennai – 600 009.

2. The Commissioner of Police,
   Avadi City.

3. The Superintendent of Police,
   Central Prison, Puzhal,
   Chennai – 66

4. The Inspector of Police,
   Law and Order,
   E-5, Sholavaram Police Station,
   Chennai. ..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 writ or order in the nature of Writ call for the records in connection with the order or Detention passed by the 2nd Respondent dated 03.07.2026 in Memo No.198/TNPD/APC/2026 against the petitioner's husband namely Senthilkumar, Male, aged 43 years,

https://www.mhc.tn.gov.in/judis

WEB COPY

S/o.Manoharan, who is confined at the Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner(s): Mr.S.Senthilvel

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

ORDER

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

The petitioner, who is the wife of the detenu Senthilkumar, male, aged 43 years, son of Manoharan, has come forward with this petition challenging the detention order passed by the second respondent in No.198/TNPD/APC/2026, dated 03.07.2026, 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 detenu was arrested in a ground case registered in Crime No.345 of 2026 on the file of the fourth respondent for the offences under Sections 103 & 238 of BNS. In the said ground case, the alleged occurrence is said to have taken place near the service road and there are no eyewitnesses to the occurrence. While being so, without there being any material on record, the detaining authority passed the

https://www.mhc.tn.gov.in/judis

WEB COPY

detention order by observing that by committing the grave crime of brutally murdering the victim, in a busy residential area during busy night time, the detenu has created alarm and a feeling of insecurity in the minds of the people and acted in a manner prejudicial to the maintenance of public order. Such a finding is not supported by any material and therefore, the subjective satisfaction recorded by the authority without any supporting material is a mere *ipse dixit*. Hence, the impugned detention order is liable to be set aside.

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. A perusal of the grounds of detention shows that the alleged occurrence took place near a service road and there are no eyewitnesses to the incident. Though the detaining authority observed that the detenu has acted in a manner prejudicial to the maintenance of public peace, no supporting material has been placed on record to substantiate the same. In the absence of any material to show that the alleged act disturbed public order, the subjective satisfaction arrived at by the detaining authority is a mere *ipse dixit* and stands vitiated. This clearly reflects non-application of mind on the part of the detaining authority in passing the order of detention. The impugned detention order is, therefore, liable to be quashed.

https://www.mhc.tn.gov.in/judis

WEB COPY

5. In the result, this Habeas Corpus Petition is allowed and the order of detention in No.198/TNPD/APC/2026, dated 03.07.2026, passed by the second respondent, is set aside. The detenu, viz., Senthilkumar, son of Manoharan, aged about 43 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.)
03-11-2026

Neutral Citation: Yes/No

ham

To

1. The Additional Chief Secretary to Government,
   Home, Prohibition and Excise Department,
   Secretariat, Chennai – 600 009.

2. The Commissioner of Police,
   Avadi City.

3. The Superintendent of Police,
   Central Prison, Puzhal,
   Chennai – 66

4. The Inspector of Police,
   Law and Order,
   E-5, Sholavaram Police Station,
   Chennai.

5. The Public Prosecutor,
   High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

ham

H.C.P.No.1842 of 2026

03-11-2026

https://www.mhc.tn.gov.in/judis