



WEB COPY

H.C.P.No.2020 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2020 of 2025

E.Arthi
D/o.Elango

..Petitioner(s)

Vs

1. The Additional Chief Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur,
Chennai - 600 119.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai - 600 066.
4. The State Rep by.
The Inspector Of Police,
T-18, Thazhambur Police Station.

..Respondent(s)



Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to call for the entire records connected with the order of the 2nd respondent herein in BCDFGISSSV No.61/2025 dated 27.05.2025 passed against the petitioner's uncle (Periyappa) detenu namely B.Sampath, S/o.Bakirisamy, aged about 48 years, who is confined at Central Prison, Puzhal, Chennai - 600 066 and set aside the same, consequently, directing the respondents herein to produce the body and person of the detenu before this Court and set him at liberty.

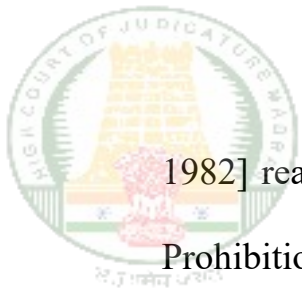
For Petitioner(s) : Ms.R.Saritha

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

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

The petitioner, who is the niece of the detenu, viz., B.Sampath, S/o.Bakirisamy, aged about 48 years, who is now confined at Central Prison, Puzhal, Chennai - 600 066, has come forward with this petition challenging the detention order passed by the second respondent in BCDFGISSSV No.61/2025 dated 27.05.2025, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest offenders, Goondas, Immoral Traffic offenders, Sand offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of



1982] read with the orders issued by the Government in G.O.(D).No.97 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under Sub Section (2) of Section 3 of the said Act.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though very many grounds have been raised in the support affidavit assailing the detention order, in the hearing, the learned counsel for the petitioner mainly focused his arguments on two grounds that (i) the Detaining Authority has not supplied the translated copy of the remand order dated 30.04.2025 (English version) in the language which the detenu is conversant with, which prevented the detenu from making an effective representation against the impugned order of detention; and (ii) at the time of passing the detention order, the detenu has not moved any bail application in respect of the ground case in Crime No.139 of 2025, however, the detaining authority after quoting that the detenu has not filed any bail application in the ground case, but his relatives are taking steps to take him out on bail in the above case and also by relying on a case registered in Crime No.258 of 2023 on the file of the T-10 Manimangalam Police Station for the offences under Sections 294(b), 341, 392, 397 and 506(ii) IPC, wherein bail has been granted to the accused



Mohamed Sadham Hussain in CrI.M.P.No.23 of 2024, has come to the conclusion that there is a real possibility of the detenu coming out on bail.

Therefore, on the aforesaid grounds, the detention order is liable to be quashed.

4. Per contra, learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

5. Considering the submissions made by both sides, this Court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. Admittedly, in the ground case, no bail application has been filed by the detenu or by his relatives so far. If that be so, the subjective satisfaction arrived at by the detaining authority that there is real possibility of his coming out on bail would be mere *ipse dixit* and that would vitiate the order of detention. There are no materials available to show that a bail application is being moved, on behalf of the detenu, either by his relatives or by any other person, to take him out on bail. Thus, there is no real possibility of the detenu coming out on bail. Therefore, the conclusion of the detaining authority that there is a possibility of the detenu coming out on bail shows his non application of mind while passing the detention order. Further, the translated version of the remand order has not been



enclosed in the booklet, which prevented the detenu from making an effective representation and that the Detention Order passed by the Detaining Authority is vitiated. In such view of the matter, the impugned detention order is liable to be quashed on these grounds.

6. In the result, the detention order passed by the 2nd respondent dated 27.05.2025 in BCDFGISSSV No.61/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., B.Sampath, S/o.Bakirisamy, aged about 48 years, who is now confined in the Central Prison, Puzhal, Chennai - 600 066, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(P.V.,J.) (M.J.R.,J.)
29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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**P.VELMURUGAN, J.
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