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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

Case QR

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

HCP No. 2179 of 2026

CNR: {HCMA012521162026}

Jayapriya ..Petitioner(s)

vs

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

2. The District Magistrate and the District Collector,
   Namakkal,
   Namakkal District.

3. The Superintendent of Police
   Namakkal District,
   Namakkal.

4. The Superintendent of Prison
   Namakkal Prison,
   Namakkal District.

5. The Inspector of Police
   Vennandur Police Station,
   Namakkal District. ..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed in his proceedings in C.M.P.No.43/GOONDA

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/2026/M1 dated on 17.06.2026 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's brother by name in Manikandan, Son of Sundharam aged about 28 years before this Court now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr. C.Deepakkumar

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

ORDER

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

The petitioner, who is the sister of the detenu Manikandan, male, aged 28 years, son of Sundharam, has come forward with this petition challenging the detention order passed by the second respondent in C.M.P.No.43/ GOONDA/2026/M1, dated 17.06.2026 branding him as a "Goonda" under Section 2(f) of 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].

2. Learned counsel for the petitioner submitted that the detenu had not moved any bail application in the ground case so far. He further submitted that

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the detaining authority, in the absence of any materials on record, had stated that information from reliable sources revealed that the detenu was intending to file bail application before the appropriate Court through his relatives. However, such a statement was not supported by any material and thereby, 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. On a perusal of the materials on record, it is evident that there is no material to substantiate the observation that the relatives were taking steps to file bail application for the detenu. Hence, when no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Therefore, the subjective satisfaction arrived at by the detaining authority is a mere *ipse dixit.* Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in *Alagu vs The State of Tamil Nadu,* reported in *2026 SCC OnLine SC 976.* Therefore, we are inclined to interfere with the impugned order.

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5. In the result, this Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.43/GOONDA/2026/M1 dated 17.06.2026, passed by the second respondent, is set aside. The detenu, viz., Manikandan, son of Sundharam, aged about 28 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.)
17-11-2026

Neutral Citation: Yes/No
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To

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

2. The District Magistrate and the District Collector,
   Namakkal,
   Namakkal District.

3. The Superintendent of Police
   Namakkal District,
   Namakkal.

4. The Superintendent of Prison
   Namakkal Prison,
   Namakkal District.

5. The Inspector of Police
   Vennandur Police Station,
   Namakkal District.

6. The Public Prosecutor,
   High Court of Madras.

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

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