



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2172 of 2025

Megala
W/o.Arulmozhi,
Thamalerimuthur Colony,
Thirupathur Taluk and District.

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector And District Magistrate
of Thirupathur District, Thirupathur.
3. The Superintendent Of Police,
Thirupathur District, Thirupathur.
4. The Superintendent Of Prison,
Central Prison, Vellore.
5. The Inspector Of Police,
Jolarpet Police Station,
Thirupathur District,

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus or any other Writ or Order in the nature of Writ call for the records in connection with the order of Detention passed by the second respondent dated 10.10.2025 in C3/D.O.No.32/2025 against the petitioner brother Sankar, Male, aged 36 years, S/o.Selvam, who is confined at



Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Honble Court and set him at liberty.

WEB COPY For Petitioner(s):

Mr.P.Raman

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

(Made by Dr.Anita Sumanth, J.)

The sister of one Sankar (detenu) S/o. Selvam, who was detained as a 'Bootlegger' under Section 2(b) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 10.10.2025.

2. Mr.P.Raman, learned counsel for the petitioner draws attention to the fact that the subjective satisfaction of the detaining authority in concluding that the detenu may be enlarged on bail is incorrect as no statement has been recorded from the relatives of the detenu and there is no material that has been placed on record in support of his satisfaction.

3. Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents defends the impugned order.

4. We have heard Mr.P.Raman, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu



(Criminal Side) for respondents.

5. We agree that, the subjective satisfaction of the detaining authority is really no subjective satisfaction at all for two reasons. Firstly, and admittedly, no bail application has been filed on behalf of the detenu. Despite this, the authority goes on to state that he believes that the detenu would be enlarged on bail for which there is no basis at all. There is no statement that has been recorded from the relatives of the detenu and hence the same is mere ipse dixit. The subjective satisfaction of the detaining authority is hence vitiated on this aspect and non-application of mind is writ large in the matter.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O.No.32/2025, dated 10.10.2025, is set aside.

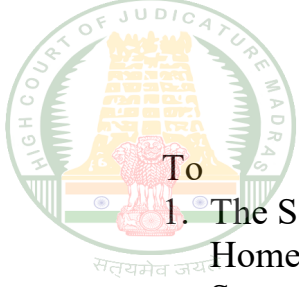
7. The detenu, viz., Sankar, S/o. Selvam, aged 36 years, confined in Central Prison, Vellore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M, J.) (S.M, J.)
18-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

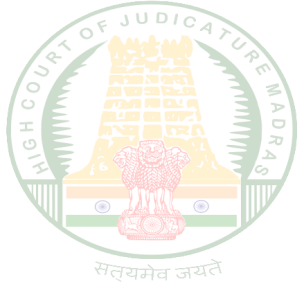
ssm

Note to Registry : Issue Today



To

1. The Secretary To The Government,
Home Prohibition And Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector And District Magistrate
of Thirupathur District, Thirupathur.
3. The Superintendent of Police,
Thirupathur District, Thirupathur.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Jolarpet Police Station,
Thirupathur District.
6. The Joint Secretary to Government
Public (Law and Order),
Fort St.George,
Chennai – 9.
7. The Public Prosecutor,
High Court, Madras.



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HCP No. 2172 of 2



DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.

ssm

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