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HCP No. 758 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 758 of 2026

Samboornam
W/o.Palanisamy,
No.1-83, Kudi Street,
Marappanaickenpalli,
Bommampatti,
Namakkal District.

..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 District, Namakkal.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Superintendent of Prison,
Central Prison,
Salem,
Salem District.
5. The Inspector of Police,
Mohanur Police Station,
Namakkal District.

..Respondent(s)



Habeas Corpus Petition 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 C.M.P.No.4/GOONDA/2026/(M1) dated 03.01.2026 passed by the second respondent and set aside the same and direct the respondents to produce the petitioner's son by name Madhesh, son of Palanisamy, aged about 35 years, before this Court, now confined in the Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr.C.Deepakkumar

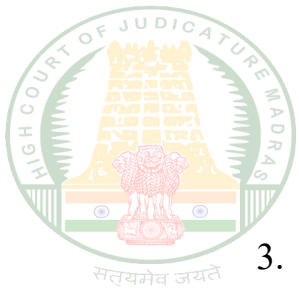
For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

(made by N.Sathish Kumar J.)

The petitioner, who is the mother of the detenu Madhesh, son of Palanisamy, aged about 35 years, has come forward with this petition challenging the detention order passed by the second respondent C.M.P.No.4/GOONDA/2026/(M1) dated 03.01.2026 branding him as "Goonda" under 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. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

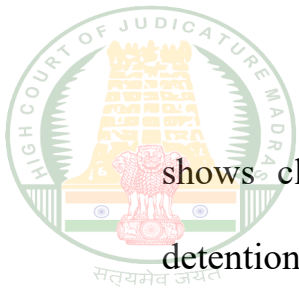


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3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non-application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody on 06.12.2025 and his remand was extended till 02.01.2026, but, there is no remand extension order annexed in the booklet with regard to the same. However, the detaining authority, in his order, without application of mind has observed that the remand of the detenu was extended up to 02.01.2026. Hence, the impugned order is liable to be set aside.

5. A perusal of the detention order shows that the detenu was arrested on 06.12.2025 and produced before the Judicial Magistrate No.II, Namakkal, on 07.12.2025 and his remand was extended up to 02.01.2026. However, a perusal of remand extension order annexed in the booklet at Page No.107 shows that the remand of the detenu was extended only up to 19.12.2025. Therefore, without there being any document to display that the remand of the detenu was extended up to 02.01.2026, the subjective satisfaction arrived at by the detaining authority



shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

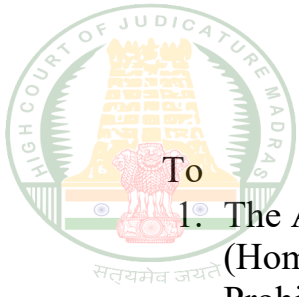
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In the result, this habeas corpus petition is allowed and the detention order passed by the second respondent in C.M.P.No.4/GOONDA/2026/(M1) dated 03.01.2026 is hereby set aside and the detenu viz. Madhesh, son of Palanisamy, aged about 35 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
18-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

nsd



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 District,
Namakkal.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Superintendent of Prison,
Central Prison,
Salem,
Salem District.
5. The Inspector of Police,
Mohanur Police Station,
Namakkal District.
6. The Public Prosecutor,
Madras High Court, Chennai.



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**N.SATHISH KUMAR J.
AND
K.RAJASEKAR J.**

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