

(2026) 08 MAD CK 1255

In the Madras High Court, Madurai Bench

Case No : HABEAS CORPUS PETITION(MD)No.775 of 2026

P.Singaram

APPELLANT

Vs

The District Collector cum District Magistrate

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

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 — Section 2(ggg)

Citation : (2026) 08 MAD CK 1255

Hon'ble Judges : A.D. Jagadish Chandira, J;R. Poornima, J

Bench : Division Bench

Advocate : For Petitioner: Mr.C.M.Mari Chelliah Prabhu; For Respondents: Mr.G.Karuppasamy Pandiyan, Counsel for State of Tamilnadu (Crl.Side)

Final Decision : Allowed

Judgement

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner is the aunt of the detenu viz., D.Karthick son of Devaraj, aged about 34 years. The detenu has been detained by the first respondent by his order in Detention Order No.85 of 2025 dated 18-12-2025, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned counsel for State of Tamilnadu (Crl.Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel for the petitioner submits that though the detenu has been branded as a sexual offender, the facts of the case are different, even as per the defacto complainant. He has alleged that his daughter aged about 17 years was having a love affair with the detenu and they were having a consensual affair. He would further submit that the de facto complainant has also

alleged his daughter was also having consensual affair with another person by name Sekar. As far as this case is concerned, the detenu has not filed any application for bail and further the facts of the case relied on as a similar case are also different and the subjective satisfaction recorded by the authority without disclosing the facts of the case and without any supporting material, is a mere *ipse dixit*. Hence, the above finding is without application of mind. Thus, he prays for setting aside the impugned detention order.

4. The learned Counsel for the State of Tamil Nadu would submit that as per the de facto complainant, there was a love affair between the detenu and his minor daughter and thereafter, the minor daughter has also had a love affair with another person and that the detenu enraged by the same had gone to the house of the victim girl and threatened her.

5. When no such bail application has been filed by the detenu, there is no likelihood of the detenu being released on bail. Further, the facts of the case relied on as a similar case are also different, which reflects non-application of mind on the part of the detaining authority. Therefore, the subjective satisfaction arrived at by the detaining authority is *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 : (2026) SCC 976**. Therefore, we are inclined to interfere with the impugned order.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.85 of 2025 dated 18-12-2025, passed by the first respondent is set aside. The detenu namely, D.Karthick son of Devaraj, aged about 34 years, is directed to be released forthwith, unless his detention is required in connection with any other case.