



H.C.P.(MD) No.26 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 25.04.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**H.C.P.(MD) No.26 of 2024**

S.Maria Jenitta

... Petitioner

-VS-

1.State of Tamil Nadu

represented by the Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai 600 009.

2.The District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.

3.The Superintendent of Prison,  
Central Prison,  
Palayamkottai,  
Tirunelveli.

... Respondents



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**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 entire records connected with the detention order passed in M.H.S.Confdl No.112/2023, dated 17.09.2023 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's husband ie., Paulsubi, aged about 34 years, S/o.Samuvel Ponraj, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the wife of the detenu viz., Paulsubi, son of Samuvel Ponraj, aged about 34 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.112/2023, dated 17.09.2023 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



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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 several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that the detaining authority, without any particulars with regard to previous cases, has arrived at a subjective satisfaction that if the detenu comes out on bail, there is every possibility that the detenu will indulge in further activities in future and thereby the detention order is vitiated for non application of mind and liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition. However, he would submit that other than the solitary ground case, there is no previous case against the detenu and based on the solitary case, the detention order has been clamped.



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5. The detaining authority, while recording the detenu's involvement in the sole ground case in Crime No.186 of 2023, had observed that there is a real possibility of the detenu coming out on bail, since bails are being granted by the appropriate Courts in such cases and had referred to a similar case, wherein, bail was granted to one Manikandan alias Mani in CrI.M.P.No.1805 of 2018, dated 09.04.2018 by the Principal Sessions Court, Tirunelveli. While observing so, the detaining authority had stated that if the detenu comes out on bail, he will indulge in further activities in future, which will be prejudicial to the maintenance of the public order.

6. In such circumstances, the subjective satisfaction arrived at by the detaining authority to the effect that the detenu is likely to indulge in further activities in future, is baseless and would amount to non-application of mind. Hence, the impugned order of detention is liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.112/2023, dated 17.09.2023, passed by the second



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respondent is set aside. The detenu, viz., Paulsubi, aged about 34 years, son of Samuvel Ponraj, is directed to be released forthwith unless his detention is required in connection with any other case.

**[A.D.J.C., J.] & [K.R.S., J.]**

**25.04.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

akv

To

- 1.The Additional Chief Secretary to Government,  
Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai 600 009.
- 2.The District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.
- 3.The Superintendent of Prison,  
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4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**AND**  
**K.RAJASEKAR, J.**

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