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H.C.P.No.860 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P.No.860 of 2025

Mahalakshmi

... Petitioner/mother of the detenue

Vs.

1. The Additional Chief Secretary
to Government, Home, Prohibition
and Excise Department, Chennai -
600009.

2.The District Collector
and District Magistrate of Ranipet
District, Ranipet.

3.The Superintendent of Police
Ranipet District, Ranipet.

4.The Superintendent,
Central Prison, Vellore.

5.The Inspector of Police,
Sholinghur Police Station, Ranipet.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for records in connection with the order or detention passed by 2nd respondent dated 24.02.2025 in Detention Order No.B3/D.O.No.20/2025 against the petitioner's son Santhosh, Son of Gubendhiran, aged 24 years, confined at Central Prison, Vellore, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.G.Krishnamurthy

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

and

V. LAKSHMINARAYANAN, J.

The petitioner herein, who is the mother of the detenu namely Santhosh, Son of Gubendhiran, aged 24 years, confined at Central Prison, Vellore, has come forward with this petition challenging the detention order passed by the second respondent dated 24.02.2025 issued against her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand



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Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982

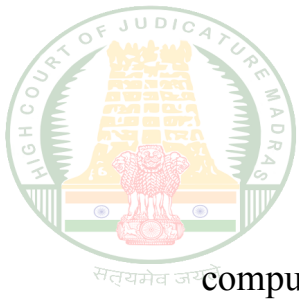
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[Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner focused mainly on the ground that there is an unexplained delay in serving the booklet. According to the learned counsel for the petitioner, though the detention order was passed on 24.02.2025, the booklet was served on the detainee only on 01.03.2025, which is in violation of mandatory provision under Section 8(1) of the Tamil Nadu Act 14 of 1982.

4. In the instant case, though the detainee was detained on 24.02.2025 through the detention order, the booklet was served only on 01.03.2025, which is on the fifth day. Under Section 8 (1) of the Tamil Nadu Act 14 of 1982, the Detaining Authority is mandated to communicate the grounds of detention or booklet within a period of five (5) days. The



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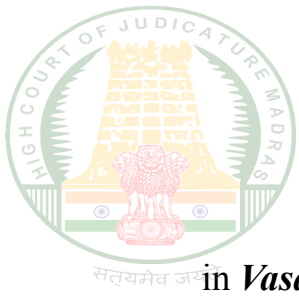
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computation of the period of five days was considered by the Coordinate Bench of this Court in the case of '**Vasanthi vs. The Secretary to Government and others**', passed in H.C.P.Nos.1407 and 1410 of 2023, dated 29.08.2023, wherein reliance was placed on the decision of the Hon'ble Supreme Court in the case of '**Enforcement Directorate, Government of India vs. Kapil Wadhawan and another**', reported in '**2023 SCC OnLine SC 972**', and held as follows:

“9.3

.....It was a reference before the Hon'ble Larger Bench, however, as that is also a matter of curtailment of liberty (as in the case on hand), we draw inspiration from Kapil Wadhawan principle and hold that while computing five days within the meaning of Section 8(1) of Act 14 of 1982, the date on which the preventive detention order is served on the detenu i.e., formal arrest pursuant to the preventive detention order should also be included.”

5. Thus, when the order of detention is taken into consideration for the purpose of computing five days period, the Detaining Authority has served it on the fifth day, which is opposite to the ratio laid down by the Hon'ble Supreme Court as followed by the Coordinate Bench of this Court



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in *Vasanthi's case*.

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6. In view of the violation of the mandatory provision under Section 8 (1) of the Tamil Nadu Act 14 of 1982, the order of detention cannot be legally sustained.

7. Accordingly, the detention order passed by the second respondent on 24.02.2025 in No.B3/D.O.No.20/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Santhosh, Son of Gubendhiran, aged 24 years, confined at Central Prison, Vellore, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.S.R, J.]

[V.L.N, J.]

24.06.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

Anu



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

Anu

To

1. The Additional Chief Secretary
to Government, Home, Prohibition
and Excise Department, Chennai -
600009.
2. The District Collector
and District Magistrate of Ranipet
District, Ranipet.
3. The Superintendent of Police
Ranipet District, Ranipet.
4. The Superintendent,
Central Prison, Vellore.
5. The Inspector of Police,
Sholinghur Police Station, Ranipet.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary, Public (Law & Order),
Chennai – 600 009.

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