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H.C.P.No.851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

H.C.P.No.851 of 2025

K.Ravi

... Petitioner/father of the detainee

***Vs.***

1. The Secretary to the Government,  
Home Prohibition and Excise Dept.,  
Secretariat, Chennai-600 009.

2.District Collector and District  
Magistrate of  
Cuddalore District, Cuddalore.

3.The Superintendent of Police,  
Cuddalore District, Cuddalore.

4.The Superintendent of Prison,  
Central Prison, Cuddalore.

5.The Inspector of Police,  
Kurinjipadi Police Station,  
Cuddalore District.

... 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 the records in connection with the order of Detention passed by the second respondent dated 31.03.2025 in C3/D.O./41/2025 against the petitioner's son Vettu Ragul @ Ragul, Male, aged 28 years S/o.Ravi, confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenue before the Honble Court and set him at Liberty.

For Petitioner : Mr.D.Balaji

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

### **ORDER**

**M.S.RAMESH, J.**

**and**

**V. LAKSHMINARAYANAN, J.**

The petitioner herein, who is the father of the detenu namely Vettu Ragul @ Ragul, aged 28 years S/o.Ravi, confined at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent dated 31.03.2025 issued against his son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug



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Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [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 31.03.2025, the booklet was served on the detainee only on 08.04.2025, 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 31.03.2025 through the detention order, the booklet was served only on 08.04.2025, which is on the eighth day. Under Section 8 (1) of the Tamil Nadu Act 14 of 1982, the Detaining Authority is mandated to



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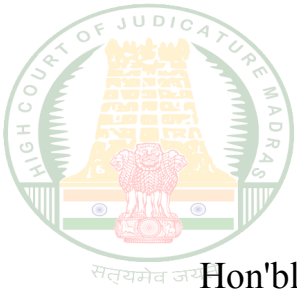
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communicate the grounds of detention or booklet within a period of five (5) days. The computation of the period of five days was considered by the Coordinate Bench of this Court in the case of '**Vasanthi vs. The Secretary to Government and others**', 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 eighth day, which is opposite to the ratio laid down by the



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Hon'ble Supreme Court as followed by the Coordinate Bench of this Court  
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in *Vasanthi's case*.

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 31.03.2025 in C3/D.O./41/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Vettu Ragul @ Ragul, aged 28 years S/o.Ravi, confined at Central Prison, Cuddalore, 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.]

08.07.2025

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 Secretary to the Government,  
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4. The Superintendent of Prison,  
Central Prison, Cuddalore.
5. The Inspector of Police,  
Kurinjpadi Police Station,  
Cuddalore District.
6. The Public Prosecutor,  
High Court, Madras.
7. The Joint Secretary, Public (Law & Order),  
Chennai – 600 009.

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