

H.C.P.No.1020 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.1020 of 2025

Kannammal

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The District Collector & District Magistrate,
Cuddalore, Cuddalore District.

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

4.The Superintendent of Police,
Central Prison – Cuddalore,
Cuddalore District.

5.State rep. by its,
The Inspector of Police,
VEPPUR Police Station,
Cuddalore District.

.. Respondents



H.C.P.No.1020 of 2025

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 25.04.2025 on the file of the second respondent herein made in proceedings Memo C3/D.O./58/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Murugesan, S/o.Raman, aged 46 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Cuddalore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein, who is the mother of the detenue namely Murugesan, aged about 46 years, S/o.Raman, has come forward with this petition challenging the detention order passed by the second respondent dated 25.04.2025, 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 Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982[Tamil Nadu Act 14 of 1982].



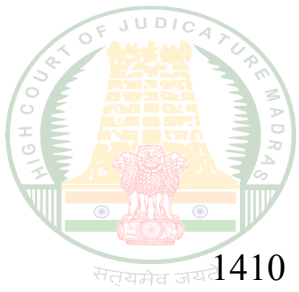
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2.Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

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 25.04.2025, the booklet was served on the detainee only on 02.05.2025, 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 25.04.2025 through the detention order, the booklet was served only on 02.05.2025, which is on the eighth day. Under Section 8 (1) of the Tamil Nadu Act 14 of 1982, the Detaining Authority is mandated to 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



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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 Hon'ble Supreme Court as followed by the Coordinate Bench of this Court 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 25.04.2025 in C3/D.O./58/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Murugesan, aged about 46 years, S/o.Raman, presently 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)

30.07.2025

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai – 600 009.



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VEPPUR Police Station, Cuddalore District.
- 6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
- 7.The Public Prosecutor,
High Court, Madras.

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