



H.C.P.No.1784 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1784 of 2025

Mrs.S.Geetha

... Petitioner

-VS-

1. The Principal Secretary to Government (FAC),
Public (Foreigners-III) Department,
The Secretariat, St.George Fort,
Chennai-600 104.
- 2.The Special Deputy Collector,
The Special Camp for Srilankan Immigrants/Refugees Camp,
Tiruchirapalli District.
3. The Special Deputy Collector,
The Special Camp for Srilankan Immigrants/Refugees Camp,
Attur, Salem.
4. The State Rep. By
The Inspector of Police
Palladam Police Station,
Tiruppur District

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 3rd respondent herein to produce the body of the detainee, who is the petitioner's husband, namely, Thiru. A.Sain,



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aged about 41 years S/o.Abuthakir now under the illegal custody of the 3rd respondent before this Honble Court and set him at liberty.

For Petitioner : Mr.T.Balaji
For M/s.R.Anisha Rani
For Respondents : Mr.A.Damodaran
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

This petition has been filed for a direction to the 3rd respondent herein to produce the body of the detainee, who is the petitioner's husband, namely, Thiru.A.Sain, aged about 41 years S/o.Abuthakir now under the illegal custody of the 3rd respondent before this Court and set him at liberty

2. According to the petitioner, she married the detainee A.Sain in the year 2013 and her husband is a Bangladeshi National. Her husband was arrested and remanded to judicial custody on 01.05.2025 on the ground that he entered India without a valid visa or passport. Though this Court had granted bail to her husband on 03.06.2025, after release, he was confined in the Special Camp for Sri Lankan Immigrants / Refugees at Tiruchirappalli and thereafter, shifted to the Special Camp at Attur, Salem.



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It is stated that he has been languishing in the said Camp since then. Stating that the detention of her husband in the custody of the 3rd respondent is illegal, she has filed the present petition for production of the detainee.

3. Per contra, learned Additional Public Prosecutor vehemently contended that he has been confined in the Special Camp in terms of G.O.(1D) No.340 dated 29.05.2025, issued by the Government. In order to strengthen his argument, he has also referred to a Full Bench Judgment dated 21.09.2007 of this Court passed, reported in 2007 SCC OnLine Mad. 1699 (Sree Latha vs. State), wherein it was held as follows:

“16. A perusal of the aforesaid provision makes it clear that such order of detention can be passed with a view to regulating the continued presence of a foreigner in India or with a view to making arrangements for his expulsion from India. The Central Government or the State Government, as the case may be, is required to come to the conclusion that it is necessary to do so. The specific power envisaged under [Section 3\(2\)\(e\)](#) appears to cover many other facets rather than detention of a foreigner. Under sub-clause (i) of [Section 3\(2\)\(e\)](#), a condition can be imposed requiring the foreigner to reside in a particular place. Under (ii) restriction can be imposed on his movement. The other sub clauses in [Section 3\(2\)\(e\)](#) refer to various other aspects which are distinct from the aspect of detention of such foreigner. Therefore, it cannot be said that [Section 3\(2\)](#) of the National Security Act which contemplates detention of a foreigner with a view to regulate his continued presence in India or with a view to making arrangements for his expulsion from India cannot be said to be in any way inconsistent with the provisions contained in [Section 3\(2\)\(e\)](#) of the Foreigners Act. If at all there is any inconsistency, it can be said that the provisions contained in [Section](#)



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3(2)(g) relating to arrest and detention of a foreigner can be said to be covered by the provisions contained in the [National Security Act](#). However, the contention in this case is not that [Section 3\(2\)\(g\)](#) should be held to be implied repealed by the [National Security Act](#). The specific contention is to the effect that the provisions contained in [Section 3\(2\)\(e\)](#) of the Foreigners Act shall be deemed to have been repealed by the provisions contained in the [National Security Act](#). This latter contention, according to in our opinion, is not acceptable. Since there is no specific contention relating to [Section 3\(2\)\(g\)](#), it is not necessary to express any final opinion on this aspect.

17. The allied contention of the Senior Counsel is to the effect that an order directing a foreigner to stay in a special camp with condition that he has to remain in the cell from 6.00 P.M. to 6.00 A.M and cannot go beyond the camp, which is within a defined area guarded round the clock by armed police amounts to detention or confinement and, therefore, such power can be exercised only under [Section 3\(2\)\(g\)](#) and not under [Section 3\(2\)\(e\)](#) of the Foreigners Act.

18. In order to appreciate his contention, it is necessary to consider whether the order directing a foreigner to stay in a special camp with restriction in not allowing such person out of the camp and forcing him to stay in a cell during night can be considered as detention or confinement as envisaged under [Section 3\(2\)\(g\)](#) or would only amount to condition requiring him to reside in a particular place as envisaged under [Section 3\(2\)\(e\)\(i\)](#) and imposing any restriction on his movements as envisaged under [Section 3\(2\)\(e\)\(ii\)](#). In order to appreciate this contention, it is necessary to notice the contents of [Section 4](#). [Section 4\(1\)](#) envisages that an internee shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline the punishment of offences and breaches of discipline as the Central Government may determine. Under [Section 4\(1\)](#), in respect of whom an order under [Section 3\(2\)\(g\)](#) is in force directing him to be detained or confined in such place is known as an internee. On the other hand, under [Section 4\(2\)](#), any foreigner in respect of whom an order under [Section 3\(2\)\(e\)](#) is made requiring him to reside at a place, is known as a person on parole. As per [Section 4\(2\)](#) such a place can be set apart for the residence of number of foreigners and it shall be under supervision. [Section 4\(2\)](#) also envisages that such foreigners while residing at a place set apart shall be subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Central Government may determine.”



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4. Learned Additional Public Prosecutor further contended that

when the Government Order in G.O.(1D) No.340 dated 29.05.2025 was attempted to be served on the petitioner, she has refused to receive the same. As instructed by this Court, he has handed over a copy of the Government Order to the learned counsel for the petitioner today across the bar.

5. Admittedly, the husband of the petitioner is a Bangladesh citizen. He has also involved in the illegal entry into India without valid documents. In our view, the detention of the husband of the petitioner in the Special Camp as per the Government Order issued in G.O.(1D) No.340 dated 29.05.2025 cannot be faulted with and termed to be an illegal one, as the said order came to be passed in the light of the judgment of a Full Bench of this Court (supra). Therefore, we find that the question of illegal detention does not arise in this case and the petition is liable to be dismissed.

6. Accordingly, this Habeas Corpus Petition is dismissed. It is open to the petitioner to challenge the said G.O.(1D) No.340 dated



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AND

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29.05.2025, which has been received by the learned counsel for the petitioner today. No costs.

(J.N.B.J.,) (S.S.J.,)

24.09.2025

Index: Yes / No

Internet: Yes / No

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To:

1. The Principal Secretary to Government (FAC),
Public (Foreigners-III) Department,
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- 2.The Special Deputy Collector,
The Special Camp for Srilankan Immigrants/Refugees Camp,
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3. The Special Deputy Collector,
The Special Camp for Srilankan Immigrants/Refugees Camp,
Attur, Salem.
4. The Inspector of Police
Palladam Police Station,
Tiruppur District
5. The Public Prosecutor,
High Court, Madras.

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