

HCP(MD)No.67 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE L. VICTORIA GOWRI**

HABEAS CORPUS PETITION(MD)No. 67 of 2025

Pannerselvam

... Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai -600 009.

2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate's Officer,
Thanjavur District.

3.The Superintendent of Prison,
Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Habeas Corpus, calling for the entire records connected with the
detention order passed in Detention order P.D.No.69/2024, dated 11.12.2024



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and detained at Central Prison, Thiruchirappalli and quash the same and direct the respondents to produced the body and person of the petitioner's son namely Thiru Madhankumar, Male aged about 28/2024, son of Panneer Selvam and set him at liberty forthwith.

For Petitioner : Mr.B. Jameel Arasu

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 father of the detenu viz., Madhankumar, son of Panneer Selvam, aged about 28 years. The detenu has been detained by the second respondent by his order in P.D.No.69/2024, dated 11.12.2024, 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.

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. The learned counsel appearing for the petitioner would submit that,



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though in paragraph No.5 of the grounds of detention it is stated that Tmt.

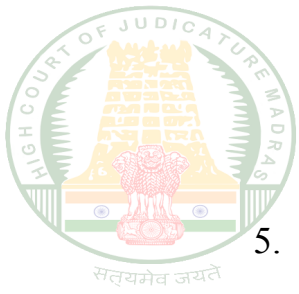
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Anjammal, mother of Madhankumar, is taking action to take out her son Madhankumar, on bail in the ground case, there is no material evidence to substantiate this claim. The relevant paragraph No.5 of the detention order reads as follows:

“5. Thirumathi Anajammal, mother of the accused Thiru. Madhankumar is taking action to take out her son Thiru. Madahan Kumar on bail for the case registered in Sethubavachthiram Police Station Crime Number.369 / f024, under Sections 332(a), 296(b) and 103(1) of Bharatiya Nyaya Sanhita by filing a bail application before the appropriate Court.”

Therefore, it is evident that the detaining authority, without sufficient material, has mechanically arrived at the subjective satisfaction based solely on the information provided by the sponsoring authority. As such, the entire detention order stands vitiated and is liable to be set aside.

4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the impugned detention order with proper application of mind and there is no illegality or infirmity in the detention order and hence, prayed for dismissal of the habeas corpus petition.



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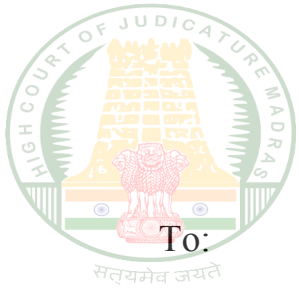
5. Considering the submissions made by the learned counsel for the petitioner and on perusal of the records, we find that there is nothing on record to show that Tmt. Anjammal, mother of the detenu viz., Madhankumar, is taking steps to take out her son viz., Madhankumar, on bail in the ground case. Therefore, the detention order is vitiated on the ground of non-application of mind.

6. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.69/2024, dated 11.12.2024, passed by the second respondent is set aside. The detenu, viz., Madhankumar, son of Panneer Selvam, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [L.V.G., J.]
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Index : Yes / No
Neutral Citation : Yes / No
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**A.D.JAGADISH CHANDIRA, J.
AND
L. VICTORIA GOWRI, J.**

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**ORDER MADE IN
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DATED : 14.08.2025