



HCP(MD)No. 71 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.71 of 2025

Santhanam

... 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 Commissioner of Police,
O/o. the Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

3.The Superintendent,
Central Prison,
Palayamkottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the impugned order of detention made in No.82 / BCDFGISSSV/2024, dated 09.12.2024 on the file of the Commissioner of Police, Tirunelveli city, Tirunelveli District, 2nd respondent herein branding the detinue by name Arunachalam, S/o. Santhanam aged about 25 years, as “Goonda” who is now confined in Central Prison,



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Palayamkottai, Tirunelveli District and quash the impugned order of detention and set the detenu at liberty by producing the detenu before this Court.

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For Petitioner : Mr.R. Ilayaraja
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the father of the detenu viz., Arunachalam, S/o. Santhanam aged about 25 years, as “Goonda”. The detenu has been detained by the second respondent by his order in No.82/BCDFGISSSV/2024, dated 09.12.2024, 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 the detention order suffers from improper translation and non application of



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mind on the part of the detaining authority and thereby it is vitiated. He would

WEB COPY further submit that in the remand order at Page No.101, Volume I of the booklet, it has been stated that “Grounds of arrest Free legal aid explained. Arrest intimation given”. However, this statement is not reflected in Tamil translation and further submitted that there is no mention of free legal aid explained. This shows that there is non application of mind on the part of the detaining authority.

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.

5. On perusal of the remand order, it is seen that the contents in English version and Tamil version vary. In the English version at page No.101 of the Volume I of the Booklet it is stated that “Grounds of arrest Free legal aid explained. Arrest intimation given”, but the same is not reflected in Tamil translation. No clarification in this regard, has been sought for, which reflects that the detention order has been passed without application of mind and



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thereby, it is vitiated and liable to be quashed on the ground of non application

WEB 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 No.82 / BCDFGISSSV/2024, dated 09.12.2024, passed by the second respondent is set aside. The detenu, viz., Arunachalam, S/o. Santhanam aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [R.P., J.]
12.08.2025

Index : Yes / No

Neutral Citation : Yes / No

trp

To:

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

2. The Commissioner of Police,

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Madurai City,
Madurai.

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3.The Superintendent,
Special Prison for Women,
Madurai.

4.The Inspector of Police,
Koodalpudur Police Station,
Madurai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madars High Court, Madurai.



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**A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.**

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**ORDER MADE IN
HCP(MD)No. 71 of 2025**

DATED : 12.08.2025