



*HCP(MD)No.164 of 2025*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 29.07.2025**

**CORAM:**

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

**THE HONOURABLE MS.JUSTICE R.POORNIMA**

**HABEAS CORPUS PETITION(MD)No.164 of 2025**

Shanmugasundari

... Petitioner

vs.

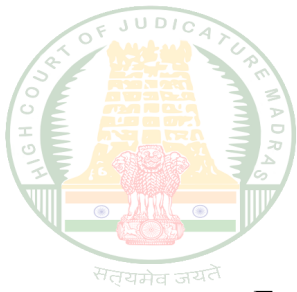
1. The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George,  
Secretariat, Chennai -600 009.

2.The Commissioner of Police,  
Office of the Commissioner of Police,  
Tirunelveli City,  
Tirunelveli.

3.The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli City.

... 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 detention order of the respondent No.2 in No.71/BCDFGISSSV/2024, dated 13.11.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Manickaraja, Son of Ganapathi, aged about 40 years, now detaining as “Goonda” at Palayamkottai Central Prison before this Court and set him at liberty forthwith.



**HCP(MD)No.164 of 2025**

WEB COPY

For Petitioner : Mr. R. Alagumani

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 wife of detenu viz., Manickaraja, Son of Ganapathi, aged about 40 years. The detenu has been detained by the second respondent by his order in No.71/ BCDFGISSSV / 2024, dated 13.11.2024 holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 submits that the detention order is dated, 13.11.2024 and the amended order was approved by the Government on 24.11.2024. After the approval by the Government, the detention order become *functus officio*. Despite this, detaining authority passed



**HCP(MD)No.164 of 2025**

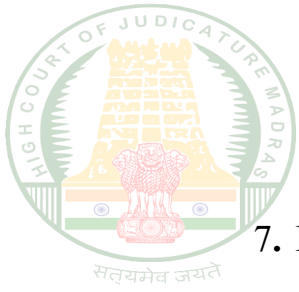
the amended detention order on 28.11.2024. Therefore, the detention order

stands vitiated due to the detaining authority becoming *functus officio*.

4. The learned Additional Public Prosecutor submitted that the detention order passed on 13.11.2024 and the amended order was subsequently, approved by the Government on 24.11.2024.

5. On perusal of the records it is found that the detention order was passed by the detaining authority on 13.11.2024, and was approved by the Government on 24.11.2024. Further, the detaining authority passed the amendment order on 28.11.2024, after the Government had approved the original order. In view of the above, the detention order stands vitiated. The detaining authority ought not to have passed the amendment order without obtaining necessary approval from the Government. 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.



**HCP(MD)No.164 of 2025**

WEB

7. In the result, the Habeas Corpus Petition is allowed and the order of detention passed in No.71/BCDFGISSSV/2024, dated 13.11.2024, passed by the second respondent is set aside. The detenu, viz., Manickaraja, Son of Ganapathi, aged about 40 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.]**  
**29.07.2025**

Index : Yes / No  
Neutral Citation : Yes / No  
trp

To:

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

2.The Commissioner of Police,  
Office of the Commissioner of Police,  
Tirunelveli City,  
Tirunelveli.

3.The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli City.

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



WEB COPY



***HCP(MD)No.164 of 2025***

**A.D.JAGADISH CHANDIRA, J.**

**AND**

**R.POORNIMA, J.**

trp

**ORDER MADE IN**  
**HCP(MD)No.164 of 2025**

**DATED : 29.07.2025**