

HCP(MD)No.154 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

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CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

HABEAS CORPUS PETITION(MD)No.154 of 2025

S. Vennila

... Petitioner

VS.

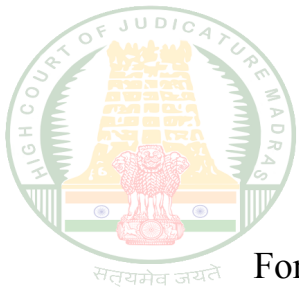
1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600009.

2. The District Collector and District Magistrate,
Tenkasi District,
Tenkasi.

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

... 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 M.H.S.Confdl.No.85/2024, dated 27.10.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely, the petitioner's husband i.e., Shaji, aged about 48 years, S/o. Perumal, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.N.Pragalathan
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 the detenu viz., Shaji, S/o. Perumal, aged about 48 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.85/2024, dated 27.10.2024, 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 submits that the detaining authority has stated that, upon witnessing the acts of terror, members of the public who were present in the vicinity ran helter-skelter. Nearby shopkeepers closed their shops and fled to save their lives and properties due to fear and panic. However, no materials have been placed before the detaining



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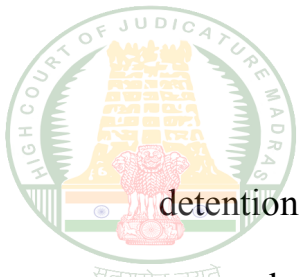
authority to substantiate this claim, and as a result, the detaining authority's subjective satisfaction is not adequately supported. Therefore, the entire detention order stands vitiated on account of non application of mind.

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. As per the Observation Mahazar on Page No. 17 and the Rough Sketch on Page No. 19, Part I of the Booklet, the occurrence is said to have happened near the water bond, which is far from the village. However, there are no materials provided by the detaining authority to support the subjective satisfaction required for passing the detention order.

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



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detention in M.H.S.Confdl.No.85/2024, dated 27.10.2024, passed by the second respondent is set aside. The detenu, viz., Shaji, S/o. Perumal, aged about 48 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.]
16.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600009.

2. The District Collector and District Magistrate,
Tenkasi District,
Tenkasi.

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

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



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AND
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ORDER MADE IN
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DATED : 16.07.2025