



H.C.P.(MD) No.211 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

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

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M.Rajammal

... Petitioner

-VS-

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

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

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the Detention



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Order passed in M.H.S.Confdl. No. 69 of 2024 dated 03.09.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., Arunpandiyan, aged about 19 years, S/o. Murugan now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

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 mother of the detenu viz., Arunpandiyan, aged S/o. Murugan, about 19 years,. The detenu has been detained by the second respondent by his order in M.H.S.Confdl. No. 69 of 2024 dated 03.09.2024 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.



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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. Though several grounds have been raised in the habeas corpus petition, the learned counsel for the petitioner focused mainly on the grounds that non-application of mind on the part of the detaining authority while passing the impugned detention order.

4. The learned counsel appearing for the petitioner would submit that as per the ground case the alleged occurrence is said to have place inside the house whereas the detaining authority in para no.5 has stated that the detenu had committed the grave crime in a busy public locality and thereby created an alarm and a feeling of insecurity in the minds of people of the area and thereby acted in a manner prejudicial to the maintenance of public order and this shows the non application of mind on the part of the detaining authority and thereby the detention order stands vitiated.



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5. 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. It is also stated that even if there is any delay in disposal of the representation, it has not caused any prejudice to the rights of the detenu and hence, prayed for dismissal of the habeas corpus petition.

6. On perusal of the documents furnished more particularly the ground case in Crime No.348 of 2024 the occurrence is said to have taken place inside the house due to family dispute whereas the detaining authority in para no. 5 has stated that otherwise. We find that the observation is without proper application and without any material and this exposes the non application on the mind of the detaining authority and thereby the detention order stands vitiated.

7. 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



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part of the detaining authority and hence, the impugned detention order is liable to be set aside.

8. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl. No. 69 of 2024 dated 03.09.2024, passed by the second respondent is set aside. The detenu, viz., Arunpandiyan, aged S/o. Murugan, about 19 years, is directed to be released forthwith unless his detention is required in connection with any other case.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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[A.D.J.C., J.] [R.P., J.]
18.06.2025

To:

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

2.The District Collector and District Magistrate,
Tenkasi District
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- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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