



HCP(MD)No. 266 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.266 of 2025

Ammakani

... Petitioner

vs.

1. The State of Tamil Naadu
The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The District Collector and District Magistrate,
office of the District Collector and District Magistrate,
Thoothukudi District.

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

4.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Crime No.370/2024)

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 detention order in H.S(M).Confdl.No.04/2025, dated 04.01.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenu



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namely Chermapandi, Son of Dharmalingam, aged about 29 years now detained as “Goonda” at Central Prison, Palayamkottai, Tirunelveli and set him at liberty forthwith.

For Petitioner : Mr.P. Rajkumar

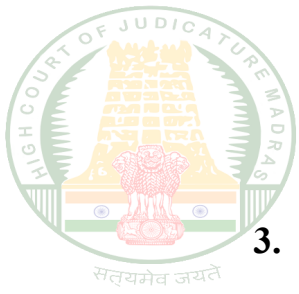
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Chermapandi, Son of Dharmalingam, aged about 29 years. The detenu has been detained by the second respondent by his order in H.S(M).Confdl.No.04/2025, dated 04.01.2025 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.



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3. The learned counsel appearing for the petitioner submits that the remand order furnished in the English version at Page No. 241 of Volume I of the Booklet has not been properly translated in the Tamil version at Page No. 243 of the same volume. Certain sections mentioned in Paragraph No. 2 of the English version of the remand order have been omitted in the Tamil version. In such circumstances, it is contended that the Detaining Authority has vitiated the detention order due to non-application of mind.

4. The learned Additional Public Prosecutor, on instructions, submits that the Detaining Authority, after being satisfied with the materials placed by the Sponsoring Authority, has passed the impugned detention order with due application of mind. Therefore, it is contended that there is no illegality or infirmity in the detention order, and hence, the habeas corpus petition is liable to be dismissed.

5. On perusal of the records, it is evident that the remand order furnished in the English version at Page No. 241 of Volume I of the Booklet has not been properly translated in the Tamil version at Page No. 243 of the same Volume. Certain sections mentioned in Paragraph No. 2 of the English version have been omitted in the Tamil version. Therefore, the detention order stands vitiated on



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the ground of non-application of mind.

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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 passed in H.S(M).Confdl.No.04/2025, dated 04.01.2025, passed by the second respondent is set aside. The detenu, viz., Chermapandi, Son of Dharmalingam, aged about 29 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.]
26.08.2025

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

To:

1. The Additional Chief Secretary to Government,
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Secretariat, Chennai – 600 009.

2. The District Magistrate and District Collector,
office of the District Collector and District Magistrate,
Thoothukudi District.



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

4.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi 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
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DATED : 26.08.2025