



HCP(MD)No. 275 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE L. VICTORIA GOWRI**

HABEAS CORPUS PETITION(MD)No. 275 of 2025

Ashok @ Muthupandi

... 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 District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District,
Karur.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

... 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 of the respondent No.2 in Cr.M.P.No.45/2024, dated 16.12.2024



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and quash the same and direct the respondents to produce the body or person of the detenu by name Ashok @ Muthupandi, son of Mayakrishnan, aged about 25 years, now detained as “Goonda” at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

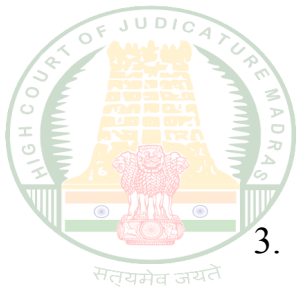
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz., Ashok @ Muthupandi, son of Mayakrishnan, aged about 25 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.45 of 2024, dated 16.12.2024 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.

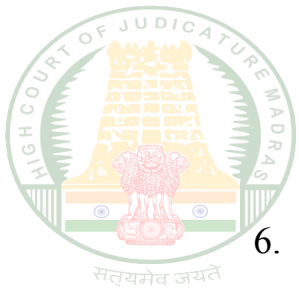


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3. The learned counsel appearing for the petitioner submits that the detention order is dated, 16.12.2024 and the same had been approved by the Government on 27.12.2024. After the approval by the Government, the detaining authority become "*functus officio*". Despite this, detaining authority passed an the amended detention order on 07.01.2025. The subsequent amended detention order dated 07.01.2025 is invalid because the authority has exhausted its power and thereby, the entire process stand vitiated as illegal.

4. The learned Additional Public Prosecutor submitted that the detention order passed on 16.12.2024 and the amended order was subsequently, approved by the Government on 27.12.2024 and the same has been passed on 07.01.2025.

5. On perusal of the records it is found that the detention order was passed by the detaining authority on 16.12.2024, and the same had been approved by the Government on 27.12.2024. Further, the detaining authority passed the said amended order on 07.01.2025 after he has become "*functus officio*". In view of the above, the detention order stands vitiated. The detaining authority ought not to have passed the amended order. Therefore, the detention order is vitiated on 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 amended detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention passed in Cr.M.P.No.45 of 2024, dated 16.12.2024, passed by the second respondent is set aside. The detenu, viz., Ashok @ Muthupandi, son of Mayakrishnan, 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.] [L.V.G., J.]
13.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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the Additional Chief Secretary to Government,
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Trichy Central Prison,
Trichy.

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



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AND
L. VICTORIA GOWRI, J.

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**ORDER MADE IN
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