



HCP(MD)No. 391 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2025

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.391 of 2025

Maragathavalli

... 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 -11.

3.The Superintendent of Police,
Tenkasi District.

4.The Superintendent,
Central Prison,
Palayamkottai.

5.The Inspector of Police,
Alwarkurichi Police Station,
Kadayam Circle,
Tenkasi District.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to



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issue a Writ of Habeas Corpus, calling for the entire records of Detention Order MHS.Cofdl.No.03/2025, dated 21.01.2025 on the file of the 2nd respondent and quash the same and direct the respondents to produce the body or person of the detenu Arockiyasamy, aged 38, S/o. Arul residing at Kamarajar Street, Karuthapillaiyar, Tenkasi Taluk, Tenkasi District detained at Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.S. Sivakumar

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., Arockiyasamy, S/o. Arul, aged about 38 years. The detenu has been detained by the second respondent by his order in MHS.Cofdl.No.03/2025, dated 21.01.2025 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. The learned counsel appearing for the petitioner would submit that in paragraph No.4, of the Grounds of Detention, the detaining authority had stated that the accused committed grave crimes in a busy public locality area and he



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has created an alarm and a feeling of insecurity in the minds of the people of the area and thereby, acted in a manner prejudicial to the maintenance of the public order, whereas, as per the complaint and the First Information Report, the alleged occurrence is said to have taken place in a remote area near a lake bund. Further, there is no material evidence to demonstrate that the act in question resulted in a disturbance to public order. Furthermore, the satisfaction of the detaining authority appears to have been arrived at without sufficient supporting material thereby exposing the non application of mind on the part of the detaining authority and thereby, questioning the legality of the detention.

4. The learned Additional Public Prosecutor, on instructions, submitted that the detenu along with other accused indiscriminately cut the head of the deceased viz., Iruthayaraj. Furthermore, their actions had created insecurity in the minds of the public.

5. 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.

6. According to the First Information Report, the occurrence allegedly



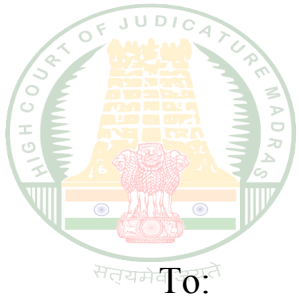
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took place near the road on the lake bund, a remote location where there is no presence of people. Upon reviewing the materials, we find that there is no material to support the Detaining Authority's claim that the offence had been committed in a busy public locality. This raises concerns regarding the Detaining Authority's failure to apply his mind to the facts. 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 and hence, the impugned detention order is liable to be set aside.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in MHS.Cofdl.No.03/2025, dated 21.01.2025, passed by the second respondent is set aside. The detenu, viz., Arockiyasamy, S/o. Arul, aged about 38 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.]
28.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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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 : 28.08.2025