



HCP(MD)No.392 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2025

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.392 of 2025

Thavasiyathal

... Petitioner

vs.

1.State of Tamil Nadu
rep. by the Additional Chief Secretary to Government,
Home, Prohibition and
Excise Department,
Chennai -9.

2.The District Collector cum District Magistrate,
Office of Collectorate,
Thenkasi,
Thenkasi District.

3.The Superintendent of Central 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, calling for the entire records connected with detention order in MHS.Confdl.No.74/2024, dated 17.09.2024 passed by the respondent No.2 on petitioner's son namely Karthik S/o. Subramaniyan (24/2025) has been detained and branded as Goonda under the Tamil nadu



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Prevention of Dangerous activities of Boot – Leggers, Drug offenders, Forest offenders, Goondas Act and confined at Central Prison, Palayamkottai Tirunelveli District before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.S. Parthiban

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., Karthik S/o. Subramaniyan aged about 24 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.74 of 2024, dated 17.09.2024 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.

2. The learned counsel appearing for the petitioner would submit that in paragraph No.5, of the Grounds of Detention, the detaining authority had stated that the accused committed grave crimes in busy locality area and he 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.



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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 petitioner, detenu along with other accused indiscriminately cut the son of the complainant and he has also threatened the complainant. 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 took place near the road on the lake bund, a location where there is no presence of people. Upon reviewing the materials, we find that there is no material to



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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.Confdl.No.74/2024, dated 17.09.2024, passed by the second respondent is set aside. The detenu, Karthik S/o. Subramaniyan aged about 24 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.]
24.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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Madurai Bench of Madras High Court,
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AND
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ORDER MADE IN
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