



HCP(MD)No.419 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

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CORAM:

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

HABEAS CORPUS PETITION(MD)No.419 of 2025

Maruthuraj alias Subjail

... Petitioner/
Detenu

vs.

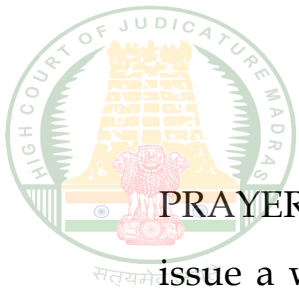
1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600009.

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

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

4. The Superintendent of Prison,
District Jail,
Peravurani,
Thoothukudi District.

... Respondents



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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 passed in M.H.S.Confdl.No.91/2024, dated 11.12.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely, Maruthuraj alias Subjail, aged about 22 years, S/o. Arumugam, now detained at the District Jail, Perurani, Thoothukudi District, 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 wife of the detenu viz., Maruthuraj alias Subjail, aged about 22 years, S/o. Arumugam. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No. 91/2024, dated 11.12.2024, 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. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for



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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 would submit that the detention order suffers from non application of mind on the part of the detaining authority and thereby it is vitiated. He would submit that the prison report signed by the Superintendent of Prison on 05.12.2024 has been placed at page No.133 of the booklet. In column No.X of the report, it is stated that remand was extended till 19.12.2024. However, the subsequent date of extending the remand cannot be reflected in the document viz., prison report dated 05.12.2024. If the prison report has been actually signed by the Superintendent and made ready on 05.12.2024 indicating the initial remand upto 21.11.2024, it cannot reflect the further extension of remand till 19.12.2024. In this regard, the detaining authority has not sought for any explanation from the sponsoring authority and he has mechanically passed order without there being any explanation, thereby the entire detention order has been vitiated.

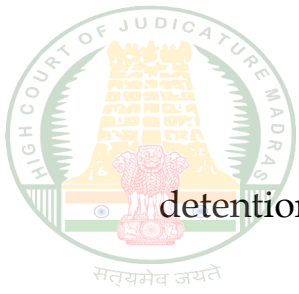


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4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the impugned detention order with proper application of mind and there is no illegality or infirmity in the detention order and hence, prayed for dismissal of the habeas corpus petition.

5. As per the submission of the learned counsel for the petitioner and on perusal of the records, we find that at page No.133 of the booklet, which is the prison report dated 05.12.2024, initial remand upto 21.11.2024 is mentioned. However, in the said report, further extension of remand has been mentioned as if the remand was extended till 19.12.2024. It is not known as to how in the ante-dated prison report dated 05.12.2024, without mentioning any date of order for extending the remand and thereby, the detention order is vitiated on the ground of non-application of mind.

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



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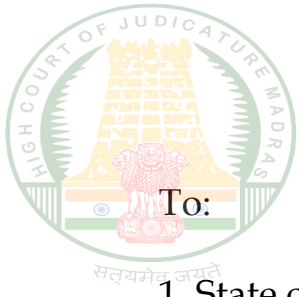
detention order.

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7. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.91/2024, dated 11.12.2024, passed by the second respondent is set aside. The detenu, viz., Maruthuraj alias Subjail, aged about 22 years, S/o. Arumugam, 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.]
12.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
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2. The District Collector and District Magistrate,
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5. The Additional Public Prosecutor,
Madurai Bench of Madras 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 : 12.08.2025