



HCP(MD)No.440 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.07.2025

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.440 of 2025

S.Kavitha

... 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 Collector and District Magistrate,
Tenkasi District,
Tenkasi.

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

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 passed in M.H.S. Confdl No.83/2024, dated 27.10.2024 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, the petitioners's husband i.e., Subashkannna, aged about 26 years, S/o. Karuppasamy, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.



HCP(MD)No.440 of 2025

For Petitioner : Mr. N. Pragalathan

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

WEB COPY

ORDER

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

The petitioner is the wife of the detenu viz., Subashkannna, aged about 26 years, S/o. Karuppasamy. The detenu has been detained by the second respondent by his order in M.H.S. Confdl No.83/2024, dated 27.10.2024, 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 the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel appearing for the petitioner submits that the detention order said to have been passed on 27.10.2024, whereas in the booklet furnished at Page No.85, Part I of the Booklet, the 2nd respondent has enclosed the document, dated 28.10.2024. In such circumstances, the detaining authority



HCP(MD)No.440 of 2025

vitiated the detention order on account of non application of mind.

WEB COPY

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. A perusal of the document shows that the detaining authority has passed the detention order on 27.10.2024, but, the sponsoring authority enclosed the report of the Department of Prison, dated 28.10.2024 at Page No. 85, Part I of the Booklet 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 detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.83/2024, dated 27.10.2024, passed by the second



HCP(MD)No.440 of 2025

respondent is set aside. The detenu, viz., Subashkannna, S/o. Karuppasamy,

aged about 26 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.]

17.07.2025

Index : Yes / No

Neutral Citation : Yes / No

trp

To:

the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai -600 009.

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

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

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



WEB COPY



HCP(MD)No.440 of 2025

A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

trp

ORDER MADE IN
HCP(MD)No.440 of 2025

DATED : 17.07.2025