



H.C.P(MD)No.443 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

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

H.C.P(MD)No.443 of 2025

S. Donisha

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by the Additional Chief Secretary to the Government
Home, Prohibition and Excise Department
Secretariat,
Chennai – 600 009.

2.The District Collector and District Magistrate,

Tirunelveli District,
Tirunelveli.

3.The Superintendent of Prison,

Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

Page No.1 of 6



H.C.P(MD)No.443 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to calling for the entire records connected with the detention order passed in M.H.S.Confdl No.180/2024 dated 15.10.2024 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, petitioner's husband i.e., Raja, aged about 38 years, S/o.Balakrishnan now detained at Central Prison Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : Mr. N. Pragalanathan

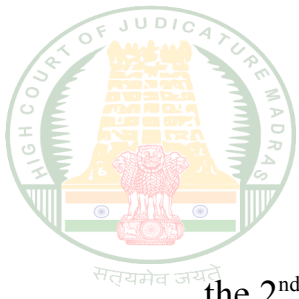
For Respondents : Mr.A.Thiruvadi Kumar

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., Raja, S/o.Balakrishnan, aged about 38 years. The detenu has been detained by



H.C.P(MD)No.443 of 2025

WEB COPY

the 2nd respondent by his order of detention in M.H.S.Confdl No.180/2024 dated 15.10.2024 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. Though several points have been raised by the learned counsel for the petitioner, it is stated that in page No.85 of the booklet (Volume-I) the endorsement of the learned Public Prosecutor is dated 16.10.2024 whereas the order of detention is dated 15.10.2024. The Detaining Authority failed to clarify this discrepancies and no report has also been filed, and as such it shows non-application of mind on the part of the Detaining Authority. Hence, it is submitted that the detenu was deprived of making effective representation.



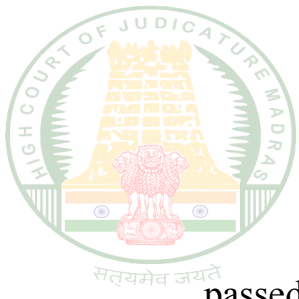
H.C.P(MD)No.443 of 2025

WEB COPY

4. Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, strongly opposed the Habeas Corpus Petition by filing his counter.

5. This Court has perused the document relied upon by the Detaining Authority at Page 85 of the booklet, which is an application for bail under Section 488 BNSS filed before the Principal Sessions Judge, Tirunelveli. In the said petition, the endorsement made by the learned Public Prosecutor is dated 16.10.2024 whereas the order of detention is dated 15.10.2024. No clarification had been sought for by the Detaining Authority with regard to the said document. This would deprive the detenu of making effective representation to the authorities against the order of detention. Consequently the subjective satisfaction arrived at by the detaining authority may not be proper. Hence, the impugned detention order is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.180/2024 dated 15.10.2024,



H.C.P(MD)No.443 of 2025

passed by the second respondent is set aside. The detenu, viz., Raja, aged about 38 years, S/o.Balakrishnan, 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.]
07.07.2025

Index : Yes / No
Neutral Citation : Yes / No
rm

To:

- 1.The Additional Chief Secretary to the Government
State of Tamil Nadu
Home Prohibition and Excise Department
Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.443 of 2025

A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

rm

ORDER MADE IN
H.C.P(MD)No.443 of 2025

DATED : 07.07.2025