



HCP(MD)No.471 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.471 of 2025

Selvarani

... Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Principal Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in Detention Order No.09/2025, dated 28.01.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act, 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely Mariyappan, Son of Subramani, Male aged about 55 years, who is detained in Central Prison,



HCP(MD)No.471 of 2025

Madurai before this Court and set him at liberty forthwith.

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For Petitioner : Mr.K.M. Karunakaran

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

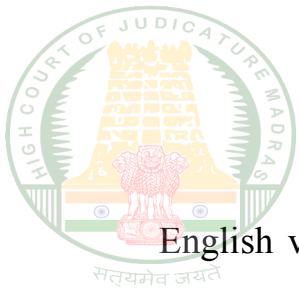
ORDER

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

The petitioner is the wife of the detenu viz., Mariyappan, Son of Subramani, aged about 55 years. The detenu has been detained by the second respondent by his Detention Order No.09/2025, dated 28.01.2025, 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. 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 though the detenu was produced before the learned Judicial Magistrate, Palani, through Video Conferencing on 24.01.2025, this fact has been correctly stated in the



HCP(MD)No.471 of 2025

English version at Page No. 74, Volume I of the booklet. However, the same

has not been reflected in the Tamil version at Page No. 75, Volume I of the booklet. In such circumstances, it is clear that the detaining authority without seeking for any explanation in this regard has passed the detention order which discloses the non application of mind on his point and thereby, the detention order is vitiated.

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 documents reveals that the detaining authority, without seeking any clarification or explanation regarding the appearance of the detenu through Video Conferencing, proceeded to pass the detention order. Consequently, the detention order stands vitiated on the ground of non-application of mind.

6. In the light of the above discussion, we have no hesitation in



HCP(MD)No.471 of 2025

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 Detention Order No.09/2025, dated 28.01.2025, passed by the second respondent is set aside. The detenu, viz., Mariyappan, Son of Subramani, aged about 55 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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To:

1.The Principal Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

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

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



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HCP(MD)No.471 of 2025

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

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**ORDER MADE IN
HCP(MD)No.471 of 2025**

DATED : 28.08.2025