



HCP(MD)No.472 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.472 of 2025

Revathi

... Petitioner

vs.

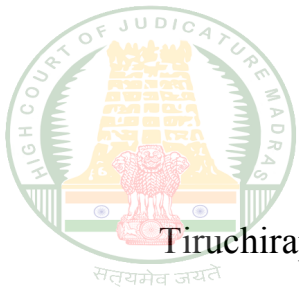
1. The State of Tamil Nadu
rep. by the Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

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

.. 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 proceedings in P.D.No.01/2025, dated 07.01.2025 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 Sundar @ Sundaresan, Son of Jayakumar, Male, aged about 20 years, who is detained at Central Prison,



HCP(MD)No.472 of 2025

Tiruchirappalli, before this Court and set him at liberty forthwith.

WEB COPY

For Petitioner : Mr.K.M.Karunakaran

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

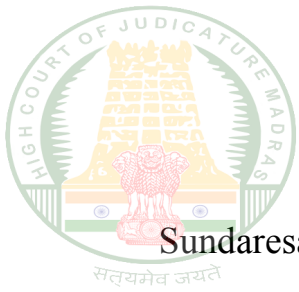
ORDER

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

The petitioner is the mother of the detenu viz., Sundar @ Sundaresan, Son of Jayakumar, aged about 20 years, The detenu has been detained by the second respondent by his order in P.D.No.01/2025, dated 07.01.2025, 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 would submit that, though in paragraph No. 5 of the grounds of detention it is stated that Tmt. Revathi, mother of detenu, is taking action to take out her son viz., Sundar @



HCP(MD)No.472 of 2025

Sundaresan on bail in the case registered in Crime No.1011 of 2024, on the file of the Ayyampettai Police Station, there is no material evidence to substantiate this claim. Therefore, it is evident that the detaining authority, without sufficient material, has mechanically arrived at the subjective satisfaction based solely on the information provided by the sponsoring authority. As such, the entire detention order stands vitiated and is liable to be set aside.

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. He would further submit that the final report has been filed in the said case after grant of extension by the trial Court.

5. Considering the submissions made by the learned counsel for the petitioner and on perusal of the records, we find that there is nothing on record to show that Tmt. Revathi, mother of Sundar @ Sundaresan, is taking steps to take out her son viz., Sundar @ Sundaresan, on bail in the case registered in Crime No.1011 of 2024, on the file of the Ayyampettai Police Station.



HCP(MD)No.472 of 2025

Therefore, the detention order is vitiated on the ground of non-application of

mind.

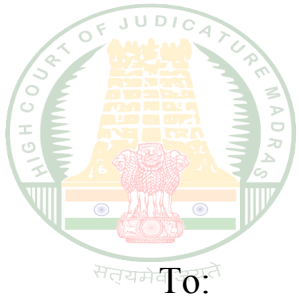
6. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.01/2025, dated 07.01.2025, passed by the second respondent is set aside. The detenu, viz., Sundar @ Sundaresan, Son of Jayakumar, aged about 20 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
trp



HCP(MD)No.472 of 2025

To:

WEB COPY

- 1.The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate,
Thanjavur District, Thanjavur.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madars High Court, Madurai.



WEB COPY



HCP(MD)No.472 of 2025

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

trp

**ORDER MADE IN
HCP(MD)No.472 of 2025**

DATED : 28.08.2025