

H.C.P(MD)No.480 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.480 of 2025

Kumar

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

3. The Superintendent of Prison,
Central Prison,
Tiruchirapalli - 620 020.

... 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 in P.D.O.No. 18/2024, dated 27.12.2024 in detaining the detenue under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda, quash the same and direct the respondents to produce the detenu namely Rajasekar, S/o.Kumar, aged about 32 years, who is detained at Central Prison, Tiruchirappalli before this Court and set him at liberty.



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For Petitioner : Mr.K.Arunraj

For Respondents : Mr.A.Thiruvadi Kumar

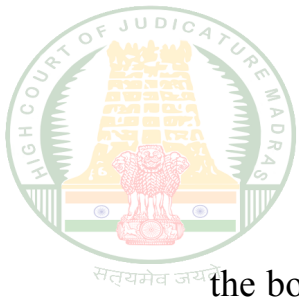
Additional Public Prosecutor.

ORDER

The petitioner is the father of the detenu viz., Rajasekar, S/o.Kumar, aged about 31 years. The detenu has been detained by the second respondent by Detention Order in P.D.O.No.18/2024, dated 27.12.2024 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 the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the habeas corpus petition, learned counsel for the petitioner focused mainly on the ground that there is an unexplained delay in serving the booklet to the detenu. According to the learned counsel for the petitioner, though the detention order was passed on 27.12.2024 and served on the detenu on 28.12.2024,



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the booklet was served on him only on 06.01.2025. Hence, the same was not served within five days as per the provisions under Section 8(1) of the Tamilnadu Act 14 of 1982. In support of his contention, learned counsel for the petitioner relied on the Judgment of a Division Bench of this Court in **J.Anitha vs. 1.The Additional Chief Secretary to Government and others** in **H.C.P.(MD)No.1334 of 2023, dated 11.12.2023.**

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 and there is no illegality or infirmity in the detention order. It is also stated that even if there is any delay in serving booklet to the detenu, it has not caused any prejudice to the rights of the detenu 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 the detention order has been passed on 27.12.2024. However, booklet was served on the detenu only on 06.01.2025 i.e., beyond five days, which is clearly in violation of



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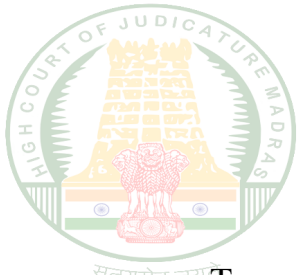
Section 8(1) of Act 14 of 1982. Even the above cited decision of a Division Bench of this Court deals with the same point and is applicable to the present case. Therefore, we have to hold that the delay has vitiated further detention of the detenu and hence, we have no hesitation in quashing the impugned detention order.

6. In the result, the Habeas Corpus Petition is allowed and the Detention Order in P.D.O.No.18/2024, dated 27.12.2024, passed by the second respondent is set aside. The detenu, viz., Rajasekar, S/o.Kumar, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
02.09.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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