

H.C.P(MD)No.500 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2025

CORAM:

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

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Balasubramanian

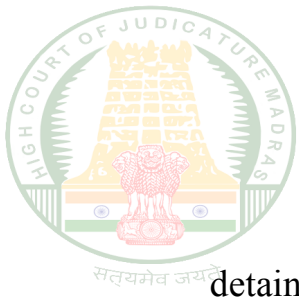
... Petitioner

Vs

1. The State of Tamil Nadu, Rep By,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, call for the entire records connected with the detention order passed in H.S.(M). Confdl No.10/2025 dated 05-02-2025 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 Balasubramanian, aged about 63 years, S/o.Ayyadurai, now



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detained at the Central Prison, Palayamkottai, Tirunelveli District, before this Court and set him at liberty.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN,J.)

The petitioner is the detenu viz., Balasubramanian, S/o.Ayyadurai, Male, aged about 63 years. The detenu has been detained by the second respondent by Detention Order in H.S.(M). Confdl No. 10/2025 dated 05-02-2025 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.



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3. Though the learned counsel for the petitioner has raised several other grounds, he has mainly focused his argument on the ground that while passing the detention order on 05.02.2025, the detaining authority has relied on a remand extension order, which had been forwarded by the sponsoring authority on 06.02.2025. It is contended by the learned counsel that the document that has been relied upon by the detaining authority is not at all available, when the detention order was passed on 05.02.2025 and hence, he prays for quashing the order of detention.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter.

5. On a perusal of the detention order, it is seen that the detaining authority had placed reliance on a remand extension order. However, the said order had been forwarded by the sponsoring authority only on 06.02.2025, which is after the date of detention. Apparently, the detaining authority seems to have relied upon the documents, which was not made ready, when the detention order was passed and as such, there is a possibility that the detention order itself could have been pre-dated.



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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. The detention order passed in H.S.(M). Confdl No.10/2025 dated 05-02-2025, by the 2nd respondent, is set aside. Consequently, the detenu viz., Balasubramanian, S/o.Ayyadurai, aged about 63 years, who is now detained in Central Prison, Palayamkottai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
17.09.2025

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



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To

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Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
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Thoothukudi.
3. The Superintendent of Prison,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.

and

R.VIJAYAKUMAR, J.

vsm

ORDER MADE IN
H.C.P.(MD) No.500 of 2025

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