



HCP./MD}.No.527/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.(MD)No.527 of 2025

Abbas @ Abbash Ali

... Petitioner /
Father of the Detenue

-VS-

- 1.State of Tamil Nadu rep.by its
The Principal Secretary to the Government,
Home, Prohibition and Excise [XVI] Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate
Tiruchirappalli City, Tiruchirappalli.
- 3.The Superintendent of Prison,
Central Prison, Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying 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 C.No.26/Detention CPO/TC/2025, dated 09.03.2025 in detaining the detenu under Section 2[e] of the Tamil Nadu Act 14/1982 as a Drug Offender and quash the same and direct the respondents to produce



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the detenu namely Thowheedhu S/o.Abbash Ali, male, aged 20 years, who is detained at Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the father of the detenu viz., Thowheedhu, son of Abbash Ali, aged about 20 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.24/2025, dated 29.04.2025 holding him to be a "Drug Offender", 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.The learned counsel appearing for the petitioner would submit that the detenu was detained by the Detaining Authority on 09.03.2025. However, the order of detention was sent to the Government for approval only on 13.03.2025, with a delay of four days. In this regard, relying on Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982, the learned counsel submitted that the Detaining Authority has to send the order of detention for approval to the Government forthwith.

4. It is relevant to extract the Section 3(3) of the Tamil Nadu Act 14 of 1982:-

“3(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.”



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son of Abbash Ali, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

8.It is also made clear that if any bail application is filed by the detenu, the trial Court is directed to dispose the bail application on its own merits and in accordance with law, without influencing any of the observations made by this Court.

[G.K.I., J.] [N.M., J.]
11.12.2025

AP
NCC :Yes/No
Index: Yes/No
Internet: Yes/No
To

- 1.The Principal Secretary to the Government,
State of Tamil Nadu
Home, Prohibition and Excise [XVI] Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate
Tiruchirappalli City, Tiruchirappalli.
- 3.The Superintendent of Prison,
Central Prison, Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

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