



HCP(MD)No.568 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.568 of 2025

Velayudham

... Petitioner

vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise(XVI) Department,
Secretariat,
Chennai- 600 009.
2. The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate
Thanjavur District, Thanjavur
3. The Superintendent of Prison
Central Prison,
Tiruchirapalli,
Tiruchirapalli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the for the records relating to the impugned order of detention made in P.D.No.11/2025 dt 21.03.2025 on the file of the District Collector and District Magistrate, Thanjavur District, the 2nd respondent herein, branding the detenu by



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name Oomaiyan @ Palanisamy, S/o.Govindasamy, aged about 62 years as 'Sexual Offender' who is now confined in Central Prison, Tiruchirapalli and quash the impugned order of detention and set him at liberty by producing him before this Court.

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.**]

This Habeus Corpus Petition has been filed to quash the detention order passed by the second respondent in D P.D.No.11/2025 dt 21.03.2025 and direct the respondents to produce the detenu or body of the detenu namely the Oomaiyan @ Palanisamy, S/o.Govindasamy, aged about 62 years who is detained at Central Prison, Tiruchirapalli and set him at liberty forthwith.

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 detenu was arrested and remanded to judicial custody on 25.01.2025 in pursuance to the registration of case in Crime No. 4 of 2025 on the file of the Inspector of Police, All Women Police Station, Vallam, Thanjavur District for the offences under Section 5(l) r/w.6(1) of POCSO Act and Section 87 of BNS. The detenu being a sexual offender, the sponsoring authority recommended the detenu for detaining under Act 14 of 1982, therefore he was detained under Act 14 of 1982

4. The learned counsel appearing for the petitioner submits that there was a huge delay in considering the representation submitted by the detenu dated 29.04.2025. The petitioner was arrested and remanded to judicial custody on 25.01.2025 but the detention order was passed on 21.03.2025, therefore there was huge delay. In support of his contention he relied on the order passed by this Court in HCP No.1842 of 2025 dated 04.11.2022 in the case of *Anjali .vs. State of Tamilnadu Rep by its Secretary to the Government Home, Prohibition and Excise Department Fort St.George, Chennai – 600 009 and others*



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5. On perusal of the complaint filed by the respondents and also the submission made it revealed that the representation was submitted by the detenu on 05.05.2025 which was received and called for remarks on 06.05.2025, thereafter it was rejected by an order dated 07.05.2025 and the same was dispatched to the detenue on 09.05.2025 and as such there was absolutely no delay in considering the representation submitted by the detenu.

6. In so far the delay in considering the representation is concerned the judgment relied on by the petitioner is not applicable to the present case on hand. The facts of that case is different from the present case.

7. The accused was arrested on one date and after a period of some time the order of detention was passed. The delay for the same are, sponsoring authority have to collect materials and thereafter, recommend to detain the accused under Act 14 of 1982. After registration of the First Information Report the victim girl has to be subjected for medical examination. Further, after recording statement from all the witnesses including the victim under Section 183 of BNSS



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and they have to collect medical report. Therefore, the delay in passing order of detention in the sexual offences case can be considered for the reason that materials have to be furnished to the detaining authority while making the request for detaining under Act 14 of 1982.

8. In view of the same, this Court finds no infirmity or illegality in the order passed by the second respondent.

9. In the result, the Habeus Corpus Petition stands dismissed.

[G.K.I., J.] [R.P., J.]
03.12.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

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Chennai- 600 009.
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O/o. The District Collector and District Magistrate
Thanjavur District, Thanjavur



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3. The Superintendent of Prison
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Tiruchirapalli District

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