



H.C.P.(MD)No.604 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

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S.Arockia Selvi

... Petitioner

-VS-

1.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,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records connected with the detention order passed in H.S(M)Confdl.No.27/2025 dated 13.03.2025, on the file of the second respondent herein and quash



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the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's husband I.e., Suresh, aged about 44 years, S/o.George, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
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 wife of the detenu viz., Suresh, son of George, aged about 44 years. The detenu has been detained by the second respondent by his order in H.S(M)Confdl.No.27/2025, dated 13.03.2025 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. The learned counsel appearing for the petitioner submitted that the order of remand extension was not served to the detenu. Due to wordy quarrel, the detenu attacked the deceased by single blow. Further, earlier cases referred by the detaining authority are of the year 2007 to 2017, it does not provide a live link with the order of the detention. In support of his contention, he also relied on the judgment of the Hon'ble Supreme Court of India in the case of ***Khaja Bilal Ahmed vs. State of Telangana and others*** reported in ***(2020) 13 Supreme Court Cases 632***, in which, the Hon'ble Supreme Court of India has held as follows:-

“23. in the present case, the order of detention states that the fourteen cases were referred to demonstrate the “antecedent criminal history and conduct of appellant”. The order of detention records that a “rowdy sheet” is being maintained at PS Rain Bazar of Hyderabad City and the appellant “could not mend his criminal way of life” and continued to indulge in similar offences after being released on bail. In the counter-affidavit filed before the High Court, the detaining authority recorded that these cases were “referred by way of his criminal background... (and) are not relied upon”. The detaining authority stated that the cases which were



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registered against the appellant between 2009 and 2016 “are not at all considered for passing the detention order” and were “referred by way of his criminal background only”. This averment is plainly contradictory. The order of detention does, as a matter of fact, refer to the criminal cases which were instituted between 2007 and 2016. In order to overcome the objection that these cases are stale and do not provide a live link with the order of detention, it was contended that they were not relief on but were referred to only to indicate the antecedent background of the detenu.”

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents would submit that the detenu is a habitual offender and he committed the offence from the year 2007 and he has involved in 5 cases. Though those cases are registered for the offences 208, 297, 326 and 307 finally he committed the offence of 302 IPC. Based on the same, ground case was registered. Further, the detenu's remand was extended only on his presence, therefore, he knows about the order of extension of remand and hence, non-serving of the remand extension order would not cause prejudice to the detenu by making effective representation to reconsider the order of detention.



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To

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Thoothukudi.
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Central Prison,
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

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