



H.C.P.(MD)No.623 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.623 of 2025

Karthika

... 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 Magistrate and District Collector,

Dindigul,
Dindigul District.

3.The Superintendent of Prison,

Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for the records in
pursuant to the proceedings of the second respondent in Detention Order



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No.18/2025, dated 12.03.2025, quash the same and consequently direct the respondents to produce the detenu, namely Sabaribalan, S/o.Paramasivam, aged 29 years, who is now detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.M.Chandrabose

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., Sabari Balan, son of Paramasivam, aged about 29 years. The detenu has been detained by the second respondent by his order in Detention Order No.18/2025, dated 12.03.2025 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 would submit that the order of detention was passed on 12.03.2025. However, the detention order was sent to the Government for approval only on 18.03.2025. In this regard, he relied on Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982. Accordingly, 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.”

5. It is seen from the records that in this case, the order of detention was passed on 12.03.2025 and the same was sent to the



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Government only on 18.03.2025. On this sole ground alone the order of detention cannot be sustained and the same is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.18/2025, dated 12.03.2025, passed by the second respondent is set aside. The detenu, viz., Sabari Balan, son of Paramasivam, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

7. It is also made clear that if any bail application 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 observation made by this Court.

[G.K.I., J.] [R.P., J.]
09.12.2025

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



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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Magistrate and District Collector,
Dindigul,
Dindigul District.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 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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