



HCP(MD)No.667 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

HABEAS CORPUS PETITION(MD)No.667 of 2025

S.Kalaiyarasi

... Petitioner

vs.

1. State of Tamil Nadu,
Rep by the Additional Chief Secretary to the 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, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in H.S(M)Confdl No.20/2025 dated 01.03.2025 on the file of the 2nd respondent herein and quash the



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same and direct the respondents to produce the detenu or body of the detenu namely, the petitioner's husband i.e., Sabarimaindhan, aged about 28 years, S/o. Sakthivel, now detained at the 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., Sabarimaindhan, son of Sakthivel, aged about 28 years. The detenu has been detained by the second respondent by his order in H.S(M)Confdl No.20/2025 dated 01.03.2025, 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 01.03.2025. However, the detention order was not sent to the Government for approval within a reasonable period and it was sent to the Government only on 06.03.2025. In this regard, he relied on Section 3(3) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum- Grabbers, Act, 1982.

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



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detention was passed on 01.03.2025 and the same was sent to the Government for approval only on 06.03.2025. The date of detention order 01.03.2025 falls on Saturday, however, the detaining authority had taken five days time for sending the same to the Government for approval which is a clear violation of Section 3(3) of the Tamil Nadu Act 14 of 1982. 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 H.S(M)Confdl No.20/2025 dated 01.03.2025, passed by the second respondent is set aside. The detenu, viz., Sabarimaindhan, son of Sakthivel, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.K.I., J.] [R.P., J.]
15.12.2025

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



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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AND
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ORDER MADE IN
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DATED : 15.12.2025