



HCP(MD)No.702 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.702 of 2025

K.Santhana Prakash

... Petitioner

vs.

1. State of Tamil Nadu,
Rep by its Additional Chief Secretary to Government,
Government of Tamil Nadu, Home, Prohibition &
Excise Department, Chennai-9.

2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Madurai.

3. The Superintendent,
Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records pertaining to the proceedings of the 2nd respondent made in his proceedings in B.C.D.F.G.I.S.S.V.No.21/2025 dated 12.04.2025 and quash the same and set the petitioner's brother by name Surya S/o. Kumar, aged about 24 years, set him at liberty from the Central Prison, Madurai.



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For Petitioner : Mr.C.Prithviraj

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 brother of the detenu viz., Surya S/o. Kumar, aged about 24 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.V.No.21/2025 dated 12.04.2025, 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.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 14.03.2025 in pursuant to the registration of FIR in Crime No.69 of



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2025 for the offences under Sections 191(2), 191(3), 329(4), 103(1), 351(3)

of the Bharatiya Nyaya Sanhita 2023 read with 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Thereafter, the petitioner was detained under the Act 14 of 1982 on 12.04.2025 and the order of detention was sent for approval by the detaining authority to the Government on 17.04.2025. There was a delay of 5 days in sending the order of detention for approval to the Government as contemplated under Section 3(3) of the Tamil Nadu Act 14 of 1982. He would also submit that pages 23, 113 and 143 of the booklet which are the Accident Register copy, proceedings of the Superintendent of Police, Madurai, dated 14.03.20205 and call details record of the detenu respectively, were not served to the detenu in tamil translated copies.

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



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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. On perusal of the counter affidavit filed by the respondents, it is seen that the order of detention was passed on 12.04.2025. However, it was sent to the Government only on 17.04.2025 for its approval. There was unexplained delay of 5 days in sending the order of detention to the Government for its approval which is a clear violation of the provision under Section 3(3) of the Tamil Nadu Act 14 of 1982. That apart, the detenu was not served with tamil translated version of the documents at page Nos.23, 113 and 143 of the booklet which are the Accident Register copy, proceedings of the Superintendent of Police, Madurai, dated 14.03.20205 and call details record of the detenu respectively and it also caused prejudice to the detenu while submitting effective representation to reconsider the order of detention. On these grounds, the order of detention cannot be sustained and is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the



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order of detention in B.C.D.F.G.I.S.S.S.V.No.21/2025 dated 12.04.2025,

passed by the second respondent is set aside. The detenu, viz., Surya S/o. Kumar, aged about 24 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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AND
R.POORNIMA, J.

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ORDER MADE IN
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DATED : 15.12.2025