



H.C.P.(MD)No.771 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2025

CORAM:

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

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K.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,
Tenkasi District,
Tenkasi.

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, calling for the entire records



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connected with the detention order passed in M.H.S.Confdl.No.11/2025 dated 22.02.2025 on the file of the second respondent herein and quash the same and direct the respondent to produce the detenu or body of the detenu namely the petitioner's son I.e., Chermadurai, aged about 29 years, S/o.Kumaresan, 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 mother of the detenu viz., Chermadurai, son of Kumaresan, aged about 29 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.11/2025, dated 22.02.2025 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



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respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel appearing for the petitioner submitted that the detenu was detained by the detaining authority by referring one ground case and two adverse cases. The ground case is concerned, theft of two-wheeler. He further submitted that even the person, who involved in 37 cases and detained under Act, 14 of 1982 was set aside by the Hon'ble Supreme Court of India. He relied on the judgment of the Hon'ble Supreme Court of India in the case of *Shaik Nazneen vs. State of Telangana and others* reported in (2023) 9 Supreme Court Cases 633. He also fairly contended that the detenu was convicted in one of the adverse case and sentenced to three years Rigorous imprisonment and therefore, no purpose would be served though the order of detention is passed. That apart, other two adverse cases are concerned, the detenu has involved in the offence of house breaking.



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4. On a perusal of the counter affidavit filed by the respondents and the submission made by the learned Additional Public Prosecutor appearing for the respondents reveals that the detenu had committed the very serious offence as against the society.

5. Considering the nature of the offence, this Court is not inclined to quash the detention order and there is no infirmity or illegality in the order of detention and it is liable to be dismissed. Accordingly, the habeas corpus petition is dismissed.

[G.K.I., J.]

[R.P., J.]

04.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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



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AND
R. POORNIMA,J.

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