



H.C.P.(MD)No.781 of 2025

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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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Jeya Prabhu

... Petitioner

-VS-

1.State of Tamil Nadu Rep. by its,
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the Respondent No.2 in No. 10/BCDFGISSSV/2025, dated 07.04.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Jeya Prabhu, son of Bose Thevar, aged about 52 years now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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 detenu viz., Jeya Prabhu, son of Bose Thevar, aged about 52 years. The detenu has been detained by the second respondent by his order in No.10/BCDFGISSSV/2025, dated 07.04.2025 holding him to be a "Goonda", as contemplated under Section (f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



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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. Though several grounds have been raised in the habeas corpus petition, learned counsel for the petitioner submitted that there was a delay in sending the representation submitted by the detenu to the authorities concerned to reconsider the order of detention. In this regard, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Aseela Shaji vs. Union of India and others*** reported in **(2024) 9 SCC 53**. The relevant paragraph No.72 is extracted hereunder:-

“72. We may only reiterate what has been laid down in the earlier judgments of this Court that the prison authorities should ensure that the representations are sent to the competent authorities immediately after the receipt thereof. In the present era of technological development, the said representation can be sent through email within a day. It is further needless to reiterate that the competent



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authority should decide such representation with utmost expedition so that the valuable right guaranteed to the detenu under Article 22(5) of the Constitution is not denied. In the matters pertaining to personal liberty of the citizens, the authorities are enjoined with a constitutional obligation to decide the representation with utmost expedition. Each day's delay matters in such a case.”

4. On a perusal of the counter affidavit and the submission made by the learned Additional Public Prosecutor reveals that the representation submitted by the detenu is dated 24.06.2025 and it was received by the jail authorities on 25.06.2025 it falls on Wednesday. However, the detaining authority received the same only on 30.06.2025 that is after a period of 5 days. The delay in forwarding the representation by the jail authorities is not at all explained. Therefore, the above referred judgment is applicable to the facts of the present case.

5. In the above judgment, it is clear that it is needless to reiterate that the competent authority should decide such representation with utmost expedition so that the valuable right guaranteed to the detenu



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under Article 22(5) of the Constitution is not denied. In this regard, there is a delay in forwarding the representation by the jail authorities to reconsider the order of detention.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.10/BCDFGISSSV/2025, dated 07.04.2025, passed by the second respondent is set aside. The detenu, viz., Jeya Prabhu, son of Bose Thevar, aged about 52 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.]

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am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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