



H.C.P.(MD) No.829 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.829 of 2025

Saraswathi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 9..

2. The District Collector and District Magistrate
O/o.The District Collector and District Magistrate
Tirunelveli District, Tirunelveli

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

... 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 detention order passed by the 2nd respondent in Detention order in MHS Confdl. No.34/2025 dated 20.03.2025 and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Dinesh S/o.periyasamy alias Senkodan, male, aged



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about 27 years, who is detained in Central Prison, Palayamkottai, before this court and set him at liberty.

For Petitioner : Mr.P.Krishnasamy for
Mr.Maya Perumal

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

(Order of the court was made by C.V.KARTHIKEYAN, J.)

The petitioner is the mother of the detenu Dinesh aged about 27 years. The detenu has been detained by the second respondent vide proceedings in MHS Confdl. No.34/2025 dated 20.03.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of the 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. In the detention order, the detaining authority had given the details of the earlier cases, in which, the detenu was involved by stating the police station, the crime number, sections of law and whether it had been disposed or present stage of the case. Thereafter at Paragraph No.6, the detaining authority had stated whether bail had been granted in each one of those cases. However, the sponsoring authority in his affidavit had stated that the detenu is a history sheeted rowdy and to that extent they had also enclosed documents for perusal of the detaining authority. The said documents are found from Pg. No.79 onwards that proceedings in that regard have also been initiated and the documents run to several pages upto page No.125. These documents have not been considered at all by the detaining authority and even if considered, had not been stated in the detention order. It is thus evident that there has not been total application of mind to arrive at a subjective satisfaction.

4. In the result, the Habeas Corpus Petition is allowed and the order of detention in MHS Confdl. No.34/2025 dated 20.03.2025 passed by the second respondent is set aside. The detenu, Dinesh S/o.Periyasamy @



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Senkodan, aged 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[C.V.K., J.] [R.V., J.]

06.11.2025

NCC : Yes / No
Index : Yes / No
RR

To:

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 9..

2. The District Collector and District Magistrate
O/o.The District Collector and District Magistrate
Tirunelveli District, Tirunelveli

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

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



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