



HCP(MD)No.821 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 08/12/2025

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

HCP(MD)No.821 of 2025

M.Nangaiyar : Petitioner/Mother of the detenu

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,
Tirunelveli District,
Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli. : Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, calling for the entire records connected with the detention order passed in M.H.S.Confdl No.29/2025, dated 15/03/2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son i.e., Selvakumar, aged about 23 years, S/o.Mariappan,



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now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith and pass such other and further orders.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

The petitioner is the mother of the detenu viz, Selvakumar, aged about 23 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.29/2025, dated 15/03/2025 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.The detenu was arrested and remanded to judicial custody on 13/02/2025 in Crime No.77 of 2025 on the file of the Inspector of Police, Cheranmahadevi Police Station for the offences under Sections 126(2), 296(b), 308(4), 109(1) and 351(3) of BNS and thereafter, the Investigating Officer recommended the detenu/accused for detaining him under Act 14 of 1982 and accordingly, the Detaining Authority detained the detenu under Act 14 of 1982, by the impugned order, dated 15/03/2025.

4.The learned counsel for the petitioner raised a specific ground that the order of detention was passed, on 15/03/2025, however, it was sent to the Government for approval only, on 18/03/2025.

5.Section 3(3) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum-grabbers and Video Pirates Act, 1982 says that the Detaining Authority shall forthwith report the detention order to the State Government together with the grounds and other necessary documents.



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6.In the case on hand, there was a delay of 3 days in sending the detention order for approval to the State Government. Though the learned counsel for the petitioner raised so many grounds, on the sole ground of delay, the detention order cannot be sustained and the same is liable to be quashed.

7.In the result, the Habeas Corpus Petition is **allowed** and the order of detention passed in M.H.S.Confdl No.29/2025, dated 15/03/2025 by the second respondent is set aside. The detenu viz., Selvakumar, S/o.Mariappan, aged about 23 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.)
08-12-2025

Index:Yes/No
Internet:Yes/No
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and
R.POORNIMA,J

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To,

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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