



H.C.P.(MD)No.954 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM:

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

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Sivagamasundari

... Petitioner/Mother of detenu

-VS-

State of Tamil Nadu Rep. by

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, to call for the records
pertaining to the impugned detention order passed by the second



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respondent made in his proceedings in P.D.No.06/2025 dated 28.02.2025 in detaining the detenu under Section 2(f) of the Tamilnadu Act 14 of 1982 as a Goonda and quash the same and direct the respondent to produce the detenu namely Vivek, son of Elangovan, Male, aged about 34 years, who is detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For R1 to R3 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***C.V.Karthikeyan, J.***)

We had passed the final orders in the Habeas Corpus Petition on 05.11.2025. In paragraph 3 of the order, we had stated as follows:

“3. The main ground raised by the learned counsel for the petitioner is that the representation is dated 02.07.2025 and from the records we find that it was received by the Superintendent of Prison on 03.07.2025, but it was despatched to the Government only on 08.07.2025. There is an unexplained delay from 03.07.2025 to 08.07.2025 in



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*considering the representation. The said delay of 5 days in considering the representation remains unexplained and the same vitiates the impugned detention order. In support of his contention, learned counsel for the petitioner relied on the Judgment of the Honourable Supreme Court in **Rajammal vs. State of Tamil Nadu**, reported in (1999) 1 SCC 417.”*

2. Thereafter, in paragraph Nos.9 to 12, we had held as follows:

“9. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of delay on the part of the Government in disposing of the representation of the petitioner.

10. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No. 06/2024 dated 28.02.2025, passed by the second respondent is set aside. The detenu, viz., Vivek, aged about 34 years, son of Ilangovan, is directed to be released forthwith unless his detention is required in connection with any other case.

11. We would further direct the Director General of Police/ Inspector General of Prisons, Whannels Road, Egmore, Chennai-8 to conduct an enquiry as to why



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the Jail Authorities, Central Prison at Trichy had not despatched the representation dated 02.07.2025, which they received on 03.07.2025 and sent to the Government only on 08.07.2025. Only on that ground, we had quashed the detention order. A detail finding in this regard fixing the responsibility on the individual report to be forwarded to this Court within a period of three weeks from the date of receipt of a copy of this order.

12. Call the matter again on 05.11.2025.”

3. Today, we have been informed by the learned Additional Public Prosecutor that two separate orders have been passed against A.Dhilip Junior Assistant, Central Prison, Tiruchirappalli. The first order is dated 15.08.2025, wherein, for an incident which was much prior to the date of order, he had been imposed with punishment of cut of increment for a period of three months. That was for un-nauthorised absence. Subsequently, after the order had been passed by this Court, on 04.11.2025, under Rule 17(e)(1)(i) of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, the said individual had been placed under suspension with effect from 4.11.2025 until further orders. This



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order had been passed by the Deputy Inspector General of Prisons & Correctional Services, Tiruchirappalli. A status report had also been filed with regard to the steps taken. Hence, no further orders are required. The Habeas Corpus Petition need not be listed again.

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

05.11.2025

vsm

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



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Madurai.



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