



H.C.P.(MD)No.895 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

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Kavammal

... Petitioner/
Wife of the Detenu

-VS-

- 1.The State of Tamilnadu
Rep. by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.
- 2.The District Collector and District Magistrate,
Tenkasi District.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for the records relating
to the detention order passed by the second respondent in



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M.H.S.Confdl.No.29/2025, dated 30.04.2025 and quash the same and direct the respondents to produce the detenu namely Shenbagam, S/o.Ramaiah, aged about 43 years, now detained at Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.D.Venkatesh
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 wife of the detenu viz., Shenbagam, son of Ramaiah, aged about 43 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.29/2025, dated 30.04.2025 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 respondents. We have also perused the records produced by the Detaining Authority.



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3.The learned counsel appearing for the petitioner raised the grounds that the detenu was arrested and remanded to judicial custody on 18.04.2025 in pursuant to the registration of the FIR in Cr.No.315 of 2025 for the offences punishable under Sections 296(b), 103(1), 351(3) BNS, subsequently altered into 61(2), 296(b), 103(2), 351(3) of BNS, but the detention order was passed only on 30.04.2025 and hence, there was a delay of 12 days. The detaining authority has shown only one ground case and there was no adverse case mentioned to detain the detenu under Act 14 of 1982 and the delay was not properly explained. He further submitted that no one had spoken about the specific overtact of the detenu except the statement recorded under Section 161(3). He further submitted that there was no public disturbance and as such, there is absolutely no necessity for the detaining authority to detain the detenu.

4. On persual of the records, on perusal of the counter affidavit and also the submission made by the learned Additional Public Prosecutor reveals that though the detenu was detained based on the ground case, all the accused persons have committed very serious offence



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by murdering the deceased. It was also retaliation one and they severed head and taken the head of the deceased. The occurrence taken place in the ration shop, where the public gathered to purchase the PDS rice and other things. Therefore, there was public disturbance and all the public had seen the occurrence. Further, the detenu was arrested and remanded to judicial custody on 18.04.2025 the detention order was passed on 30.04.2025 and hence, there was absolutely no delay while detaining the detenu under Act 14 of 1982. In view of the above, we find no grounds to interfere with the order of detention passed by the second respondent and it is liable to be dismissed. Accordingly, this habeas corpus petition is dismissed.

[G.K.I., J.] [R.P., J.]
12.12.2025

am
NCC :Yes/No
Index: Yes/No
Internet: Yes/No



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



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AND
R. POORNIMA,J.

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