

H.C.P(MD)No.917 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.917 of 2025

Mariyakumar
(Now confined at
Central Prison,
Palayamkottai,
Tirunelveli District)

... Petitioner

Vs

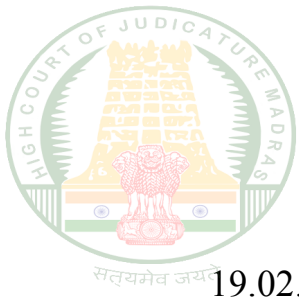
1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Habeas Corpus, calling for the entire records connected
with the detention order passed in No.16/BCDFGISSSV/2025 dated



H.C.P(MD)No.917 of 2025

19.02.2025, on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Mariyakumar, aged about 36 years, S/o.Soosai Marian, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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 detenu viz., Mariyakumar, aged about 36 years. The detenu has been detained by the second respondent by Detention Order in No.16/BCDFGISSSV/2025, dated 19.02.2025 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.



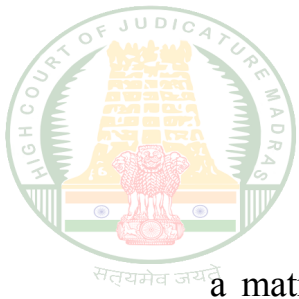
H.C.P(MD)No.917 of 2025

WEB COPY

3. The learned counsel appearing for the petitioner submitted that it is a solitary case against the detenu and he had no bad antecedents. The incident has occurred due to previous enmity regarding matrimonial dispute and even according to the complaint, due to sudden provocation, occurrence has occurred whereas in the counter filed by the second respondent, it is stated that the occurrence has taken place in the broad day light in the public place causing panic in the mind of the persons who were near the deceased and talking with him.

4. It had been stated in the detention order that the possibility of releasing the accused on bail was imminent and if he is released on bail, his presence is likely to cause prejudice to the public peace, and that the preventive detention order had been passed after due consideration of merit and careful consideration of relevant records. It is stated in the counter that recourse to normal criminal law would not prevent him from indulging in such activity prejudicial to the maintenance of the public order.

5. The detaining authority had arrived at a conclusion based on the sole and solitary case against the petitioner that too, arising out of



H.C.P(MD)No.917 of 2025

WEB COPY

a matrimonial dispute and except in this one case, there is no adverse record against the detenu to infer that he had been indulging in such activity in the past or he will indulge in such activity in future. Mere apprehension that he will indulge in such activity in future is not suffice to invoke the provision of Tamil Nadu Act 14 of 1982. There must be some *prima facie* material to arrive at such conclusion. In this case, this Court finds that there is no such material. Therefore for bereft of supportive documents, the detention order is vitiated.

5. In fine, the Habeas Corpus Petition is allowed. The detention order passed in No.16/BCDFGISSSV/2025, dated 19.02.2025, by the 2nd respondent, is set aside. Consequently, the detenu viz., Mariyakumar, son of Soosai Marian, aged 36 years, who is now detained in Central Prison, Palayamkottai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
22.09.2025

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



H.C.P(MD)No.917 of 2025

WEB COPY

To

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



WEB COPY



H.C.P(MD)No.917 of 2025

C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

am

ORDER MADE IN
H.C.P.(MD) No.917 of 2025

22.09.2025