



H.C.P.(MD)No.914 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.914 of 2025

Udhayakumar
(now confined at Central Prison,
Palayamkottai)

... 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 District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

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

... Respondents



H.C.P.(MD)No.914 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S.Confdl.No.32/2025, dated 18.03.2025, 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 Udhayakumar, aged about 32 years, S/o.Murugan, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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 detenu viz., Udhayakumar, son of Murugan, aged about 32 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.32/2025, dated 18.03.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



H.C.P.(MD)No.914 of 2025

WEB COPY

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.

3. The learned counsel appearing for the petitioner would submit that the order of detention was passed on 18.03.2025. However, the detention order was sent to the Government for approval only on 22.03.2025. In this regard, he relied on Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982. Accordingly, the detaining authority has to send the order of detention for approval to the government forthwith.

4. It is relevant to extract the Section 3(3) of the Tamil Nadu Act 14 of 1982:-

“3(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing



WEB COPY



H.C.P.(MD)No.914 of 2025

on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.”

5. It is seen from the records that in this case, the order of detention was passed on 18.03.2025 and the same was sent to the Government only on 22.03.2025. On this sole ground alone the order of detention cannot be sustained and the same is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.32 of 2025, dated 18.03.2025, passed by the second respondent is set aside. The detenu, viz., Udhayakumar, son of Murugan, aged about 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.



H.C.P.(MD)No.914 of 2025

WEB COPY

7. It is also made clear that if any bail application filed by the detenu, the trial Court is directed to dispose the bail application on its own merits and in accordance with law, without influencing any of the observation made by this Court.

[G.K.I., J.]

[R.P., J.]

09.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



H.C.P.(MD)No.914 of 2025

WEB COPY

To

1. 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.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.914 of 2025

G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

am

H.C.P.(MD)No.914 of 2025

09.12.2025