



H.C.P.(MD)No.943 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.943 of 2025

Arumugam

... Petitioner

-VS-

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

2.The District Magistrate and District Collector
Karur District
Karur

3.The Superintendent of Prison,
Central Prison, Tiruchirapalli

4. The Inspector of Police
K.Paramathi Police Station
Karur 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



H.C.P.(MD)No.943 of 2025

to the detention order passed by the second respondent in detention order No.05.05.2025 in Detention order in Cr.M.P.No.19 of 2025 under Tamil Nadu Act 14 of 1982 as “Goonda” and detain the detenu at Central Prison, Tiruchirapalli and to quash the same and direct the respondents to produce the body or person of the detenu Thangarathinam, S/o.Arumugam, aged about 26 years before this Court and set him at liberty, now detained at Central Prison, Tiruchirapalli

For Petitioner : Mr.V.Karuna

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 father of the detenu viz., Thangarathinam, S/o.Arumugam, aged about 26 years . The detenu has been detained by the second respondent by his order in Cr.M.P.No.19 of 2025, dated 05.05.2025 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.



H.C.P.(MD)No.943 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 raised a ground that the detenu was arrested and remanded to judicial custody on 08.04.2025 in pursuance to the registration of the First Information Report in Crime No. 36 of 2025 for the offences under Sections 311 of BNS. The detenu was detained by and detention order dated 05.05.2025. The detention order and other documents were sent by the detaining authority to the Government on 09.05.2025 and as such there was a delay of four days in sending the order of detention. 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:-



H.C.P.(MD)No.943 of 2025

WEB COPY

“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 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 05.05.2025 and the same was sent to the Government only on 09.05.2025. The date of detention order 05.05.2025 however, the detaining authority had taken four days time for sending the same to the Government for approval. 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 Cr.M.P.No.19 of 2025, dated 05.05.2025 ,



H.C.P.(MD)No.943 of 2025

passed by the second respondent is set aside. The detenu, viz.,
Thangarathinam, S/o.Arumugam, aged about 26 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.]
17.12.2025

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
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To

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Chennai-600 009.
- 2.The District Magistrate and District Collector
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Madurai Bench of Madras High Court, Madurai.



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H.C.P.(MD)No.943 of 2025

G.K. ILANTHIRAIYAN,J.
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H.C.P.(MD)No.943 of 2025

17.12.2025