



H.C.P.(MD)Nos.940 & 946 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MRS.JUSTICE N.MALA**

H.C.P.(MD)Nos.940 & 946 of 2025

H.C.P(MD)No.940 of 2025

Lakshmi Arumugam

... Petitioner/
Mother-in-law of the Detenu

-VS-

State of Tamil Nadu Rep. by

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 9.

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

3.The Superintendent,
Special Prison for Women,
Madurai.

4.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.

... Respondents

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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 Cr.M.P.No. 57/Goondas/2025 dated 29.04.2025, quash the same and direct the respondents to produce the person or body of the detenu, Nadachi @ Latha, W/o.Ramu, before this Court and set him at liberty, who is currently detained at Special Prison for Women, Madurai.

H.C.P(MD)No.946 of 2025

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... Petitioner/
Mother of the Detenu

-VS-

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1.The Additional Chief Secretary to Government,
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For Petitioner : Mr.S.A.Ajin Singh
in both HCPs
For Respondents : Mr.T.Senthil Kumar
in both HCPs Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the mother-in-law of the detenu viz., Nadachi @ Latha, wife of Ramu, aged about 42 years. The detenu has been detained by the second respondent by her order in Detention Order No.57/2025, dated 29.04.2025 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.



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2. The petitioner is the mother of the detenu viz., Ramu, son of Arumugam, aged about 31 years. The detenu has been detained by the second respondent by her order in Detention Order No.56/2025, dated 29.04.2025 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.

3. 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.

4. The learned counsel appearing for the petitioner submitted that the petitioner is the mother-in-law of the detenu in H.C.P(MD)No.940 of 2025 and mother of the detenu in H.C.P(MD)No. 946 of 2025. The detenues are the husband and wife. The detaining authority had shown two adverse cases and one ground case for both detenues. All the cases were put up cases in pursuant to the registration



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of the first FIR in Cr.No.292 of 2023. The crime committed by the detainees would not cause any public disorder and there would not be any public tranquility. In a similar case, the Hon'ble Division Bench of Telangana High Court at Hyderabad in the case of ***Kishore Kumar Sharma vs. State of Telangana rep. by its Principal Secretary to Government and others*** reported in ***2020 SCC Online TS 3009*** held as follows:-

“16. In Arun Ghosh vs. State of West Bengal the Supreme Court held as under:

“.... It means therefore that the question whether a man has only committed a breach of law and order or has acted in a manner likely to cause a disturbance of the public order is a question of degree and the extent of the reach of the act upon the society. The French distinguish law and order and public order by designating the latter as order publique. The latter expression has been recognized as meaning something more than ordinary maintenance of law and order.”

17. As discussed above, since the activities of the detenu do not have propensity to disturb public order and only relate to maintenance of law and order, this Court is of the considered view that the impugned order is passed without application of mind and in violation of



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right and personal liberty guaranteed under Article 21 of the Constitution of India. Applying the above authoritative decisions of the Supreme Court to the facts of the present case, this Court is of the opinion that the activities of the detenu do not affect public order and merely relate to law and order, which can be dealt with under ordinary law. Hence, this Court finds that the impugned detention order is unsustainable and liable to be set aside and accordingly set aside.”

5. The Hon'ble Division Bench of the Telangana High Court by relying upon the judgment of the Hon'ble Supreme Court of India in the case of ***Arun Ghosh vs. State of West Bengal reported in (1970) 1 SCC 98***, in which, the Hon'ble Supreme Court held that the question whether a man has only committed a breach of law and order or has acted in a manner likely to cause a disturbance of the public order is a question of degree and the extent of the reach of the act upon the society. Therefore, the order of detention was passed mechanically by the detaining authority without considering the nature of offence committed by the detenu.

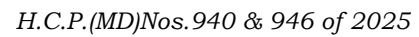
6. A perusal of the counter affidavit filed by the second



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respondent and also the submission made by the learned Additional Public Prosecutor reveals that both detenues are habitual offenders. The learned Additional Public Prosecutor, also relied upon the remand report of the detenues which reveals that they were involved in the identical offence from the year 2021, in four Districts, such as, Dindigul, Pudukkottai, Trichy and Thanjavur. Therefore, they had committed a breach of law and order and acted in a manner likely to cause a disturbance of the public order since they had broken a house and committed theft. Therefore, whenever, the theft committed in that area, there would be a breach of law and also caused disturbance to the public. Hence, the detaining authority satisfied with the nature of the offence committed by the detenues and the recommendation of the sponsoring authority has rightly passed the detention order.

7. He also relied upon the judgment of the Hon'ble Supreme Court of India in the case of *Pesala Nookaraju vs. Government of Andhra Pradesh and others* reported in (2023) 14 SCC 641. The Hon'ble Supreme Court has held that the detaining authority has also recorded his satisfaction that it is necessary to prevent the detenu from





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9. In view of the above, the judgment relied on by the learned counsel for the petitioner in the case of ***Kishore Kumar Sharma vs. State of Telangana rep. by its Principal Secretary to Government and others*** is not helpful to the present case.

10. The learned counsel appearing for the petitioner raised another ground that the translated copy of the remand extension order was not served to the detenues. Further, it was also in the form of handwritten and it was not legible for the detenues to make a representation in an effective manner. On a perusal of the order of remand extension dated 23.04.2025 it is seen that though it was handwritten, only on the presence of the detenues through video conferencing, the learned District Munsif-cum-Judicial Magistrate, Singampunari extended the remand till 07.05.2025. Therefore, the detenu knows very well about that his remand was extended till 07.05.2025. That apart, it was not at all relied on by the detaining authority while passing the order of detention. It was only referred document and absolutely no prejudice would be caused to the detenues while making the representation to consider the cancellation of the detention order.



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11. In view of the above facts and circumstances, this Court finds no infirmity or illegality in the impugned detention orders passed by the second respondent and it is liable to be dismissed. Accordingly, both habeas corpus petitions are dismissed.

[G.K.I., J.] [N.M., J.]
11.12.2025

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

To

1.The Additional Chief Secretary to Government,

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