



H.C.P.(MD)No.983 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Rajendran

... Petitioner

-VS-

- 1.State of Tamil Nadu rep. by its,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
 2. The District Collector and District Magistrate,
Officer of the District Collector and District Magistrate,
Madurai District.
 3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- ... Respondents

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 of the respondent No.2 in B.C.D.F.G.I.S.S.S.V.No.45/2024, dated 30.10.2024 and quash the same



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and direct the respondents to produce the body or person of the detenu by name Sasikumar, son of Rajendran, aged about 22 years, now detained as "Sexual Offender" at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani
For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **C.V.Karthikeyan, J.**)

The petitioner is the father of the detenu namely Sasikumar, S/o.Rajednra, aged about 22 years. The detenu had been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.45/2024, dated 30.10.2024, holding him to be a "Sexual Offender" as contemplated under Section 2(ggg) 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. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detaining authority in the impugned detention order did not inform about his right of making representation to the Detaining Authority in para-6 of the detention order. Hence, it is submitted that the detenu was deprived of making representation to the detaining authority.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter.

5. The detention order does not reflect the right of the detenu to make a representation to the Detaining Authority within 12 days from the date of the detention order. This is serious violation of a statutory right provided to the detenu.

6. In view of the above, this court is inclined to accept the contention of the learned counsel for the detenu that the detaining authority in the impugned detention order has not informed the right of detenu to make a representation before the District Collector, which



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resulted in infraction of Article 22 of Constitution of India. The impugned detention order is liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.45/2024 dated 30.10.2024 passed by the second respondent is set aside. The detenu, viz., Sasikumar, S/o.Rajendran, aged about 22 years is directed to be released forthwith unless his detention is required in connection with any other case.

8. List the matter on 04.11.2025 along with H.C.P(MD)Nos. 185, 448, 455 of 2025 and 1477 of 2024, wherein also we have noticed that the detaining authority had not stated about the right to make the representation to the detaining authority questioning the detention order.

[C.V.K., J.] [R.V., J.]

27.10.2025

am
NCC :Yes/No
Index: Yes/No



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



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

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