

HCP(MD)No.1167 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

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CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

HABEAS CORPUS PETITION(MD)No.1167 of 2024

P.Ganesan

... 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. 48/BCDFGISSSV/2024, dated 15.08.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the



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detenu or body of the detenu namely, the petitioner's son i.e., Manikandan, aged about 25 years, S/o. Ganesan, 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

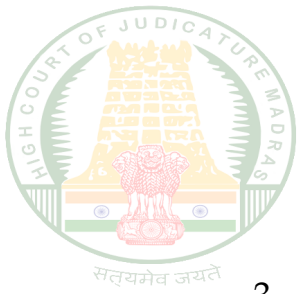
Additional Public Prosecutor

ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the father of the detenu viz., Manikandan, son of Ganesan, aged about 25 years. The detenu has been detained by the second respondent by his order in No.48/BCDFGISSSV/2024, dated 15.08.2024, 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.



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3. The case of the petitioner is that the representation dated 13.09.2024 challenging the detention order has been sent to the respondents through RPAD on the same day and the same has been received by the 2nd respondent, but the said representation is not considered till date. Therefore, the detention order is vitiated.

4. The learned Additional Public Prosecutor would submit that as per the proforma, no representation from the petitioner has been received by the respondents.

5. Per contra, learned counsel for the petitioner would submit that the 2nd respondent has filed a counter affidavit wherein, at paragraph 5, he had admitted the receipt of representation through post on 16.09.2024 and forwarded the same to the Government on 18.09.2024. In such circumstances, it is clear that the representation of the petitioner has not been considered.

6. Though the proforma says that the representation of the petitioner has not been received, in the counter affidavit, the 2nd



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respondent/detaining authority has admitted the receipt of representation through post on 16.09.2024. The non-consideration of the representation vitiates the detention order and hence it is liable to set aside.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.48/BCDFGISSSV/2024, dated 15.08.2024, passed by the second respondent is set aside. The detenu namely, Manikandan, son of Ganesan, aged about 25 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

[A.D.J.C, J.] [R.P, J.]
16.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600009.



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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.



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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ORDER MADE IN
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DATED : 16.06.2025