



H.C.P.(MD) No.1351 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM:

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

H.C.P.(MD) No.1351 of 2024

Alagusethupathi

... Petitioner

-vs-

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

2.The District Collector and District Magistrate,
Office 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, to issue a writ of habeas corpus to call 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.28/2024 dated 28.08.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Alagusethupathi, son of Alagusundaram, aged



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about 26 years, now detained as Goonda at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : DR.R.Alagumani
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 detenu viz., Alagusethupathi, son of Alagusundaram, aged about 26 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.28/2024 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.

3. Though several grounds have been raised in the habeas corpus petition, learned counsel for the petitioner focused mainly on the ground that the act provides for making representation to the District Collector before the



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confirmation by the Government, however, the detention order is silent to that aspect and thereby the petitioner was prevented for making representation to the Government before the confirmation. In support of the contention, the learned counsel for the petitioner would rely on the judgment of the Division Bench of this Court in ***Raja Vs. The Additional Chief Secretary to Government, Home, Prohibition and Excise Department, Fort St.George, Chennai-600009 and others in H.C.P.(MD)No.1372 of 2022.***

4. The Division Bench of this Court, after referring the earlier judgment of Division Bench of this Court in ***S.Thai vs. State rep. by The Commissioner of Police, Tiruchirappalli City, Tiruchirappalli & Others*** reported in ***2000 (3) MWN(Cri.) 142*** and the another case in ***State of Maharashtra v. Santosh Shankar Acharya*** reported in ***(2000) 7 SCC 463***, has held as follows:-

"11. Hence, in view of law laid down in State of Maharashtra v. Santosh Shankar Acharya reported in (2000) 7 SCC 463 was re-affirmed by the Hon'ble three Judges bench of the Supreme Court in Crl.A.No:728 of 2000, 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



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5. We have perused the detention, it does not mention about the petitioner's right to make a representation to the District Collect and thereby the detention order is vitiated.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in BDFGISSSV.No.28/2024, dated 28.08.2024, passed by the second respondent is set aside. The detenu, viz., Alagusethupathi, aged about 26 years, son of Alagusundaram, 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.]
11.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Madurai Bench of Madras High Court,
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