



HCP(MD)No.1403 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.1403 of 2024

Vinoth @ Vinothkumar

... Petitioner

vs.

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

2. The District Magistrate and District Collector,
O/o. the District Magistrate and District Collector,
Dindigul District,
Dindigul.

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, calling for the entire records, connected with the detention order of the respondent No.2 in Detention Order No.97 / 2024, dated 16.10.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Vinoth @ Vinothkumar, son of Natarajan, aged about 28 years, now confining at Madurai Central Prison and set him at liberty forthwith.



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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., Vinoth @ Vinothkumar, son of Natarajan, aged about 28 years. The detenu has been detained by the second respondent by his order in Detention Order No.97 / 2024, dated 16.10.2024, 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. The learned counsel appearing for the petitioner submits that the detention order is dated 16.10.2024 and it was served on the petitioner on 17.10.2024. The petitioner had sent a representation, dated 22.10.2024 to the



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detaining authority through the Prison authorities. The said representation was

received by the Prison authorities on 23.10.2024. However, it has not been forwarded to the detaining authority till it was confirmed by the District Collector on 27.10.2024. This indicates that the Prison authorities failed to forward the representation in a timely manner, thereby infracted the petitioner's right to make an effective representation and thus vitiating the detention order.

4. The learned Additional Public Prosecutor appearing for the respondents submits that the representation, dated 22.10.2024 was served on the detaining authority only on 30.10.2024.

5. Upon perusal of the records, it is evident that the petitioner's representation dated 22.10.2024 was received by the prison authorities on 23.10.2024. However, there was an inordinate delay of seven days in forwarding the same to the detaining authority and thereby, vitiating the detention order.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.97 / 2024, dated 16.10.2024, passed



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by the second respondent is set aside. The detenu, viz., Vinoth @ Vinothkumar,

son of Natarajan, aged about 28 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.]
16.07.2025

Index : Yes / No

Neutral Citation : Yes / No

trp

To:

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Secretariat, Chennai -600 009.

2. The District Magistrate and District Collector,
O/o. the District Magistrate and District Collector,
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4. The Additional Public Prosecutor,
Madurai Bench of Madars 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 : 16.07.2025