



HCP(MD)No.1431 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.1431 of 2024

P. Alagu

... Petitioner

VS.

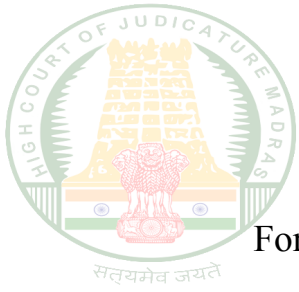
1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Government of Tamil Nadu, Home, Prohibition
and Excise Department,
Chennai -9.

2.The District Collector cum District Magistrate,
Office of the Collectorate,
Madurai.

3.The Superintendent,
Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records pertaining to the proceedings of the 2nd respondent made in his proceedings in BCDFGISSSV.No.40 of 2024, dated 04.10.2024 and quash the same and set the petitioner's son by name "Aadhimoolam, S/o. Palaniyandi, aged about 26 years" at liberty from Central Prison, Madurai.



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For Petitioner : Ms.M.Lavanya

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For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of detenu viz., “Aadhimoolam, S/o. Palaniyandi, aged about 26 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.40 of 2024, dated 04.10.2024 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. 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 confirmation by the Government, however, the detention order is silent to that



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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 detenue that the detaining authority in the impugned detention order has not informed the right of detenu to make a representation before the detaining authority within 12 days, which resulted in infraction of Article 22 of Constitution of India. so, the impugned detention order is liable to be quashed."

5. We have perused the detention, it does not mention about the



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petitioner's right to make a representation to the District Collector and thereby

the detention order is vitiated.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV.No.40 of 2024, dated 04.10.2024, passed by the second respondent is set aside. The detenu, viz., Aadhimoolam, S/o. Palaniyandi, aged about 26 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.]
02.07.2025

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

1. The Additional Chief Secretary to Government,
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Chennai -9.

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3.The Superintendent,
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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.

trp

ORDER MADE IN
HCP(MD)No.1431 of 2024

DATED : 02.07.2025