



HCP(MD)No.1494 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.1494 of 2024

A.Amutha

... Petitioner

vs.

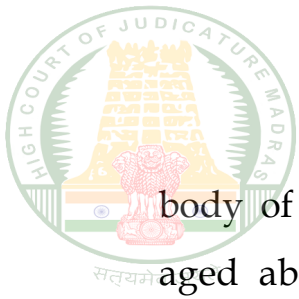
1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600009.

2. The District Collector and District Magistrate,
Tirunelveli District,
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 M.H.S.Confdl.No. 149/2024, dated 02.09.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or



HCP(MD)No.1494 of 2024

body of the detenu namely, the petitioner's husband i.e., Ajithkumar, aged about 24 years, S/o. Thangarasu, 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

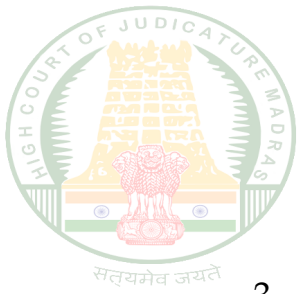
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Ajithkumar, son of Thangarasu, aged about 24 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.149/2024, dated 02.09.2024, 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 learned counsel appearing for the petitioner would submit that the detention order suffers from non application of mind on the part of the detaining authority and thereby it is vitiated. He would submit that the prison report signed by the Jailor on 10.08.2024 has been placed at page No.73 of the booklet. In column No.X of the report, it is stated that remand was extended periodically till 30.08.2024 and thereafter till 13.09.2024. However, the subsequent date of extending the remand cannot be reflected in the document viz., prison report dated 10.08.2024. If the prison report has been actually signed by the Jailor and made ready on 10.08.2024 indicating the initial remand upto 16.08.2024, it cannot reflect the further extension of remand till 30.08.2024 and the another extension till 13.09.2024. In this regard, the detaining authority has not sought for any explanation from the sponsoring authority and he has mechanically passed order without there being any explanation, thereby the entire detention order has been vitiated.

4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the



HCP(MD)No.1494 of 2024

impugned detention order with proper application of mind and there is no illegality or infirmity in the detention order and hence, prayed for dismissal of the habeas corpus petition.

5. As per the submission of the learned counsel for the petitioner and on perusal of the records, we find that at page No.73 of the booklet, which is the prison report dated 10.08.2024, initial remand upto 16.08.2024 is mentioned. However, in the said report, further extension of remand has been mentioned as if the remand was extended till 30.08.2024 and again extended till 13.09.2024. It is not known as to how in the ante-dated prison report dated 10.08.2024, subsequent extension of remand has been mentioned that too without mentioning any date of orders for extending the remand periodically. It is also seen from the prison report that such entry of dates of extension of remand has been written by hand and on perusing the said prison report through the naked eye, we could see that the date of initial remand and the dates of subsequent extension of remand written by hand differ from each other and thereby, the detention order is vitiated on the ground of non-application of mind.



HCP(MD)No.1494 of 2024

6. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.149/2024, dated 02.09.2024, passed by the second respondent is set aside. The detenu, viz., Ajithkumar, aged about 24 years, son of Thangarasu, 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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HCP(MD)No.1494 of 2024

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

bala

2. The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

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

ORDER MADE IN
HCP(MD)No.1494 of 2024
DATED : 16.06.2025