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CRL MP(MD) NO. 18682 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CRL MP(MD) NO. 18682 of 2025

1. Manimegalai
W/o.Alagesan
Colony Street
Sundararajapuram
Bodinaickanur Taluk
Theni District.

Petitioner(s)

Vs

1. The State of Tamilnadu, Rep. by its Additional Chief Secretary to Government,
Home Prohibition and Excise Department
Fort St. George
Chennai 600 009.

2. The District Magistrate and District Collector
Theni District
Theni.

3. State Of Tamilnadu Rep By Inspector Of Police
Bodinayakkanur Police Station
Theni District.

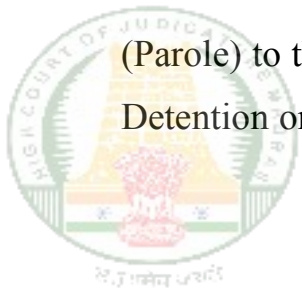
4. The Superintendent of Prison
Central Prison
Madurai.

Respondent(s)

For Petitioner(s): Mr.S.Muniyandi

For Respondent(s): Mr.A.Thiruvadikumar
Addl. Public Prosecutor

Prayer:To grant an Interim direction directing the 4th respondent to grant 7 days leave



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(Parole) to the petitioners son namely Nitheesh Kumar son of Alagesan in PID.1
Detention order No.13/2025 dated 09.04.2025 in H.C.P(MD).No.1273 of 2025.



4 in

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The present petition is not maintainable in view of Section 15 of the Tamil Nadu Act 14 of 1982, which gives prerogative only to the State Government to grant any leave.

2. Section 15 of the said Act is as follows:

“Section 15 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic offenders, Sand-offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) allows the State Government to grant temporary release to a person under detention for a specified period, either with or without conditions. The released person's release can be cancelled at any time, and this section has been amended to allow an officer mentioned in section 3(2) to direct release for attending the funeral of a close relative.”

3. In a similar preventive detention under COFEPOSA Act, the Hon'ble Supreme Court in **Poonam Lata v. M.L.Wadhawan and others** reported in **1987 (3) SCC 347** had stated as follows:

“13. It is pertinent to observe that the court has no power to substitute the period of detention either by abridging or enlarging it. The only power that is available to the court is to quash the order in case it is found to be illegal. That being so, it would not be open to the court to reduce the period of detention by admitting the detenu on parole. What in a given



situation should be the sufficient period for a person to be detained for the purposes of the Act is one for the subjective satisfaction of the detaining authority. Preventive detention jurisprudence in this regard is very different from regular conviction followed by sentence that an accused is to suffer. Whether it be under Article 226 or Article 32 of the Constitution, the court would, therefore, have no jurisdiction either under the Act' or under the general principles of law or in exercise of extraordinary jurisdiction to deal with the duration of the period of detention.”

4. In view of the same, the petition stands dismissed. However, if the reason is bona fide, the fourth respondent may take appropriate decision.

(C.V.KARTHIKEYAN J.) (R.VIJAYAKUMAR J.)
28-11-2025

RR

To

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

2. The District Magistrate and District Collector
Theni District Theni.

3. State Of Tamilnadu Rep By Inspector Of Police
Bodinayakkanur Police Station Theni District.

4. The Superintendent of Prison
Central Prison Madurai.

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