



HCP(MD)No. 1578 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2025

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.1578 of 2024

Vinothkumar

... Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai -600 009.

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

3.The Superintendent of Prison,
Central Prison,
Trichirappalli,
Tirchirappalli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records, relating to the impuged order of detention made in P.D.No.63 of 2024, dated 23.11.2024 on the file of the District Collector and District Magistrate, Thanjavur District, the 2nd respondent herein, branding the detenue by name Vinothkumar aged about 32



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years, S/o. Manavalan, as “Sexual Offender”, who is now confined in Central Prison, Tiruchirappalli and quash the impugned order of detention and set him at liberty by producing petitioner before this Court.

For Petitioner : Mr.K.M. Karunakaran

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., Vinothkumar, S/o. Manavalan, aged about 32 years. The detenu has been detained by the second respondent by his order in P.D.No.63 of 2024, dated 23.11.2024, holding him to be a "sexual offender”, as contemplated under Section 2(ggg) 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 would submit that, though in paragraph No. 7 of the grounds of detention it is stated that Tmt.



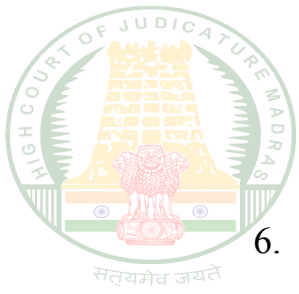
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Priyanka, wife of Vinothkumar, is taking action to take out her husband

Vinothkumar, on bail in the ground case, there is no material evidence to substantiate this claim. Therefore, it is evident that the detaining authority, without sufficient material, has mechanically arrived at the subjective satisfaction based solely on the information provided by the sponsoring authority. As such, the entire detention order stands vitiated and is liable to be set aside.

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 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. Considering the submissions made by the learned counsel for the petitioner and on perusal of the records, we find that there is nothing on record to show that Tmt. Priyanka, wife of Vinothkumar, is taking steps to take out her husband viz., Vinothkumar, on bail in the ground case. Therefore, the detention order is vitiated on the ground of non-application of mind.



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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 P.D.No.63 of 2024, dated 23.11.2024, passed by the second respondent is set aside. The detenu, viz., Vinothkumar, S/o. Manavalan, aged about 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

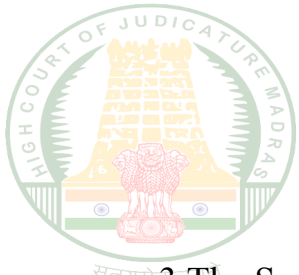
[A.D.J.C., J.] [R.P., J.]
05.08.2025

Index : Yes / No
Neutral Citation : Yes / No
trp

To:

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

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



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3. The Superintendent of Prison,
Central Prison,
Trichirappalli,
Tirchirappalli District.

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
HCP(MD)No. 1578 of 2024**

DATED : 05.08.2025