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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1998 of 2025

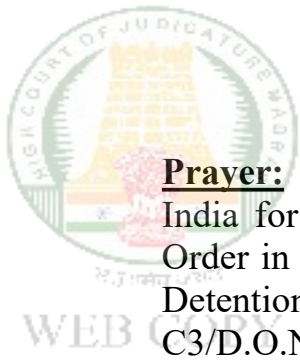
Velu
S/o.Munisamy,
No.3/30, Bajanai Koil Street,
Ariyur, Vellore Taluk,
Vellore District.

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai-600 009.
2. District Collector and District Magistrate of
Vellore District,
Vellore.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Ariyur Police Station,
Vellore District.

..Respondent(s)



Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ call for the records in connection with the order of Detention passed by the second respondent dated 20.08.2025 in C3/D.O.No.29/2025 against the petitioner Son Ajithkumar, Male aged 25 years S/o.Velu, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenue before the Hon'ble court and set him at liberty and pass such further or other orders as this Hon'ble Court may deem fit and proper in the above stated circumstance.

For Petitioner(s): Mr.P.Raman
for Mr.D.Balaji

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M. Sylvester John

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Mr.P.Raman, learned counsel for the petitioner and Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents.

2. The father of the detenu has challenged the order of detention dated 20.08.2025, whereunder the detenu Ajithkumar, male aged 24 years, S/o.Velu, has been branded as a Goonda in terms of Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short 'Act').

3. The primary ground argued by Mr.P.Raman, learned counsel for the petitioner is that even though the detenu has been detained on 20.08.2025, the



grounds of detention had been served belatedly, only on 28.08.2025 and hence this vitiates the impugned order.

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4. A perusal of the booklet reveals that the grounds have, admittedly, been served on the detenu only on 28.08.2025. Section 8 of the Act requires that the grounds of detention must be served on the detenu within five days from the date of detention.

5. In the present case, the date of detention and the order of detention are one and the same, being 20.08.2025 and hence the service of grounds on the detenu on 28.08.2025 is beyond the statutory period, which vitiates the order of detention.

6. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O.No.29/2025 dated 20.08.2025 is hereby set aside.

7. The detenu, viz., Ajithkumar, S/o.Velu, male aged 25 years, who is now confined in Central Prison, Cuddalore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
24-03-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note: Issue today.



To

1. The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai-600 009.
2. District Collector and District Magistrate of
Vellore District,
Vellore.
3. The Superintendent of Police,
Vellore District,
Vellore.
4. The Superintendent of Prison,
Central Prison,
Cuddalore.
5. The Inspector of Police,
Ariyur Police Station,
Vellore District.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.
8. The Superintendent of Prison,
District Jail, Villupuram.



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AND

SUNDER MOHAN J.

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