



HCP(MD) No.89/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.89 of 2026

A.Samuthirapandi

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep By The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat, Chennai - 9..

2. The Commissioner of Police,
Tirunelveli City..

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

... Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the detention order passed in No.69/BBCDEFGISSSV/2025 dated 25-09-2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely



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the petitioner's son ie., Baskar, aged 35 years, S/o.Samuthirapandi, 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.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the father of the detenu, by name Baskar son of Samuthirapandi, aged about 35 years. The detenu has been detained by the second respondent by his order in No.69/BBCDEFGISSSV/2025 dated 25-09-2025 holding him to be a "Goonda", as contemplated under Section 2(f) of the 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, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that there is gross violation of procedural



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safeguards, which would vitiate the detention. The learned counsel, by placing authorities, submitted that the representation made by the petitioner was not considered on time and there was an inordinate and unexplained delay.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter. He would submit that though there was delay in considering the representation, on that score alone, the impugned detention order cannot be quashed. According to the learned Additional Public Prosecutor, no prejudice has been caused to the detenu and thus, there is no violation of the fundamental rights guaranteed under Articles 21 and 22 of the Constitution of India.

5. The Detention Order in question was passed on 25.09.2025. The petitioner made a representation dated 19.01.2026. Thereafter, remarks were called for by the Government from the Detaining Authority. The remarks were duly received. Thereafter, the Government considered the matter and passed the order rejecting the petitioner's representation on 03.02.2026 and it has been served on the detenu only on 14.02.2026.



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6. It is the contention of the petitioner that there was a delay of 10 days, in serving the rejection order passed by the Hon'ble Minister for Electricity, Prohibition and Excise Department after the Deputy Secretary dealt with it, and hence, there was inordinate delay of 10 days in serving the rejection order.

7. In **Rekha vs. State of Tamil Nadu (2011 (5) SCC 244)**, the Honourable Supreme Court has held that the procedural safeguards are required to be zealously watched and enforced by the Courts of law and their rigour cannot be allowed to be diluted on the basis of the nature of the alleged activities undertaken by the detenu.

8. In **Sumaiya vs. The Secretary to Government (2007 (2) MWN (Cr.) 145)**, a Division Bench of this Court has held that the unexplained delay of three days in disposal of the representation made on behalf of the detenu would be sufficient to set aside the order of detention.

9. In **Tara Chand vs. State of Rajasthan and others**, reported in **1980 (2) SCC 321**, the Honourable Supreme Court has held that any



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inordinate and unexplained delay on the part of the Government in considering the representation renders the very detention illegal.

10. In the subject case, admittedly, there is an inordinate and unexplained delay of 10 days in considering the representation and serving the rejection order by the Hon'ble Minister for Electricity, Prohibition and Excise Department. The impugned detention order is, therefore, liable to be quashed.

11. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.69/BBCDEFGISSSV/2025 dated 25-09-2025 passed by the second respondent is set aside. The detenu, viz., Baskar son of Samuthirapandi, aged about 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
10.03.2026

NCC : Yes/No
Index : Yes/No
RR



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To

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Secretariat, Chennai - 9..

2. The Commissioner of Police,
Tirunelveli City..

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

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



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AND
P.DHANABAL,J.**

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