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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.137 of 2026

Mariyalawrence

.. Petitioner / detenu

Vs.

1.The State of Tamil,
represented by
the Additional Chief Secretary to Government,
Home, Prohibition and Excise (xiv)Department,
Fort St.George, Chennai-9.

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

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

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to call for the entire records connected with the detention order of the second respondent in M.H.S.Confdl.No.83 of 2025, dated 19.07.2025 and quash the



same and direct the respondents to produce the body or person of the detenu by name, Mariyalawrence, son of Siluvai Anthony, aged about 52 years, detained as “Goonda” at Palayamkottai Central Prison before this Court and set him at liberty.

For Petitioner : Mr.Dr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, by name, Mariyalawrence, son of Siluvai Anthony, aged about 52 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.83 of 2025, dated 19.07.2025 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.



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3. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main ground that was raised by the learned counsel appearing for the petitioner is that the detention order came to be passed by the Detaining Authority on 19.07.2025 based on the affidavit of the Sponsoring Authority dated 03.07.2025. As on that date, the Sponsoring Authority has not made reference to any of the documents that came into existence subsequent thereto.

4. The learned counsel appearing for the petitioner submitted that the Detaining Authority passed the order on 19.07.2025 by relying upon documents dated 18.07.2025 and this clearly shows that the Detaining Authority has acted upon certain documents which were not even referred by the Sponsoring Authority.

5. We have carefully gone through the affidavit of the Sponsoring Authority dated 03.07.2025. In this affidavit, reference has been made only up to the extension of remand made till 04.07.2025 and the documents that accompanied this affidavit pertained to what was available up to 03.07.2025. However, when the Detaining Authority passed the detention



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order on 19.07.2025, the extension of remand order dated 18.07.2025 also forms part of the paper book and the Detaining Authority, while relying upon this document, came to a conclusion that the remand has been extended till 01.08.2025. Obviously, these documents were not even relied upon by the Sponsoring Authority when the affidavit was placed before the Detaining Authority. Therefore, the Detaining Authority has considered certain materials which were not even relied upon by the Sponsoring Authority while filing the affidavit. The same vitiates the detention order.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.83 of 2025, dated 19.07.2025 passed by the second respondent is set aside. The detenu, viz., Mariyalawrence, son of Siluvai Anthony, aged about 52 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
23.03.2026

Index : Yes / No
Internet : Yes / No
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To

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1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.
2. The District Collector and
District Magistrate,
Thoothukudi District, Thoothukudi.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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