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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.174 of 2026

S.Mariammal

.. Petitioner / mother of the detenu

Vs.

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

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

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

4.The Superintendent of Prison,
District Jail, Peravurani,
Thoothukudi 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 H.S.(M) Confdl No.102/2025, dated 19.09.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son i.e. Balamurugan, S/o. Saravanan, aged about 25 years, now detained at the District Jail, Perurani, Thoothukudi District before this Court and set him at liberty.

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 mother of the detenu, viz., Balamurugan, S/o. Saravanan, aged about 25 years. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl. No.102/2025, dated 19.09.2025, 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.



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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, one of the grounds raised by the learned counsel appearing for the petitioner is that the Detaining Authority has taken into consideration the fact that the remand was extended for the detenu up to 22.09.2025. However, there is no supporting document in the paper book furnished to the detenu.

4. We have carefully gone through the paper book and find at page No.55 that there is a requisition for extension of remand by the Investigation Officer. However, the remand extension order does not form part of the paper book. Without this material, the Detaining Authority has come to the conclusion that the remand was extended up to 22.09.2025. This clearly reflects non-application of mind.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl. No.102/2025, dated 19.09.2025, passed by the second respondent is set aside. The detenu, viz., Balamurugan, S/o. Saravanan, aged about 25 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.)
17.03.2026

Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional Chief Secretary to Government,
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- 2.The District Collector and District Magistrate,
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- 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
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- 4.The Superintendent of Prison,
District Jail, Peravurani,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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