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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.322 of 2026

Sailaja

.. Petitioner / Mother of the detenu
Vs.

- 1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Prohibition and Excise Department,
Fort St George,
Chennai-9.
- 2.The District Magistrate and District Collector,
Kanyakumari District at Nagercoil.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Inspector of Police,
Eraniel Police Station,
Eraniel,
Kanyakumari District.

.. Respondents



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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 by the second respondent dated 04.12.2025 with reference No. PD.No.41 of 2025 and set aside the same and direct the respondents to produce the son of the petitioner, P.Ramesh, son of Pushbhakaran, aged 28 years, now confined in the Central Prison, Palayamkottai before this Court.

For Petitioner : Mr.S.Regu

For Respondents : Mr.G.Karuppasamy Pandian,
learned counsel for the State
of Tamil Nadu (Criminal
Side)

ORDER

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

The petitioner is the mother of the detenu, by name, P.Ramesh, son of Pushbhakaran, aged 28 years. The detenu has been detained by the second respondent by his order in P.D.No.41 of 2025 dated 04.12.2025 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.



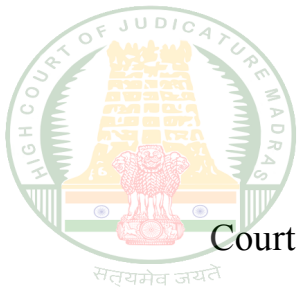
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2. We have heard the learned counsel appearing for the petitioner and the learned counsel for the State of Tamil Nadu (Criminal Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Apart from the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the detenu was arrested on 05.11.2025, whereas, the detention order was passed only on 04.12.2025. There is a delay of 29 days in passing the detention order and this delay is totally unexplained.

4. In our considered view, the issue is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***Sushanta Kumar Banik Vs. State of Tripura and Others*** reported in ***2022 SCC Online SC 1333***.

5. The detention order is vitiated due to the fact that there was a solitary case and the live and proximate link between the grounds of detention and the purpose of the detention is completely absent. Hence, this



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Court is inclined to interfere with the detained order passed by the second respondent.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.41 of 2025 dated 04.12.2025 passed by the second respondent is set aside. The detenu, viz., P.Ramesh, son of Pushbhakaran, aged 28 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.)
05.06.2026

Index : Yes / No

Internet : Yes / No

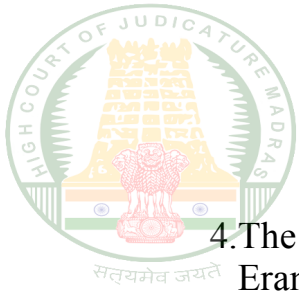
TSG

To

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St George,
Chennai-9.

2.The District Magistrate and District Collector,
Kanyakumari District at Nagercoil.

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



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4. The Inspector of Police,
Eraniel Police Station,
Eraniel,
Kanyakumari District.

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



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

TSG

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