



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.244 of 2026

Petchiammal

.. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by
the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Cuddalore.

4.The Inspector of Police,
Thatchanallur Police Station,
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 of pertaining to the order of detention dated 21.11.2025 passed by the second respondent in order No.83/BBCDEFGISSSV/2025 and quash the same and produce the detenu, Kandasamy @ Kannabiran Pandian, S/o.Murugandi, aged about 46 years before this Court and set him at liberty.

For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, by name, Kandasamy @ Kannabiran Pandian, S/o.Murugandi, aged about 46 years. The detenu has been detained by the second respondent by his order in No. 83/BBCDEFGISSSV/2025, dated 21.11.2025, 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 that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that no bail petition was pending as on the date of passing of the detention order. But, however, the Detaining Authority has relied upon the order passed in CrI.M.P. (MD).No.795 of 2023 dated 23.01.2023 and came to a conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority is not a similar case and therefore, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 795 of 2023 dated 23.01.2023. There is no indication in that order that there were previous cases against the accused therein. However, in the case in hand, the detenu had three adverse cases apart from the ground case. Therefore, the order that was relied upon by the Detaining Authority does not arise out of a similar case and consequently, the detention order suffers from non-application of mind.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.83/BBCDEFGISSSV/2025, dated 21.11.2025, passed by the second respondent is set aside. The detenu, viz., Kandasamy @ Kannabiran Pandian, S/o.Murugandi, aged about 46 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.,)
29.04.2026

Index : Yes / No

Internet : Yes / No

TSG

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Cuddalore.



4. The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli 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.**

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