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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.294 of 2026

P.Durai

.. Petitioner / Father of the detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600009.

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

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

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S Confdl No.111/2025, dated 01.09.2025 on the file of the 2nd respondent herein and quash the same and direct the



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respondents to produce the detenu or body of the detenu namely the petitioner's son I.e Shanmugasundaram alias Sundhar, S/o.Durai, aged about 19 years, 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 Shanmugasundaram alias Sundhar, S/o.Durai, aged about 19 years. The detenu has been detained by the second respondent by his order in M.H.S Confdl No.111/2025, dated 01.09.2025 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.



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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 is that there is a delay of 33 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 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 M.H.S Confdl No.111/2025, dated 01.09.2025 passed by the second respondent is set aside. The detenu, viz., Shanmugasundaram alias



Sundhar, S/o.Durai, aged about 19 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.,)
08.04.2026

Index : Yes / No
Internet : Yes / No

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To

- 1.The Addl Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600009.
- 2.The District Collector and District Magistrate,
Tirunelveli District.
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli.
- 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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