



HCP(MD)No.386 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.04.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.386 of 2026

Malliga

... Petitioner

Vs

1. State of Tamilnadu rep. by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department
Secretariat, Chennai – 9..

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

3. The Superintendent of Prison,
Central Prison,
Palayamkottai, 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 records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in MHS Confdl. No.69/2025 dated 09.09.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely



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Thirumalaikumar @ Periyakattai S/o.Manickam, male aged about 45 years, who is detained in Central Prison, Palayamkottai before this court and set him at liberty.

For Petitioner : M/s.K.M.Karunakaran

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 viz.,Thirumalaikumar @ Periyakattai S/o.Manickam aged about 45 years. The detenu has been detained by the second respondent by his order in MHS Confdl. No.69/2025 dated 09.09.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of 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.



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3. Apart from the other grounds that were raised by the learned counsel for the petitioner, the learned counsel submitted that the detaining authority was aware of the fact that no bail application has been filed by the detenu and in spite of the same, the detaining authority took into consideration the order passed in Cr.M.P.No.1565 of 2024 dated 25.07.2024 and came to the conclusion that bail has been granted in a similar case and hence, 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. Therefore, the detention order suffers from non application of mind.

4. We have carefully considered the order passed in Cr.M.P.No.1565 of 024 dated 25.07.2024. The said application was filed by two of the accused persons against whom the overt act was that they had caught hold of the deceased. Apart from that the Court also took into consideration the period of incarceration suffered by the accused therein and also the fact that investigation was almost completed. In the case in hand, the detenu had hardly suffered incarceration for 21 days and he along with other accused person had specific overt acts as per the FIR. Therefore, the order that was



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relied upon by the detaining authority cannot be considered to be similar.

Consequently, it suffers from non application of mind. Accordingly, the detention order is liable to be quashed.

5.. In the result, the Habeas Corpus Petition is allowed and the order of detention in MHS Confdl. No.69/2025 dated 09.09.2025 passed by the second respondent is set aside. The detenu, viz., Thirumalaikumar @ Periyakattai S/o.Manickam aged about 45 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.)

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Index : Yes/No

Internet : Yes/No

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To

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



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