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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.377 of 2026

S.Guru

.. Petitioner / Mother of the detenu
Vs.

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

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

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

.. 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 order of detention dated 24.12.2025 passed by the second respondent in M.H.S.Confdl No.103 of 2025 and quash the same and produce the detenu,



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Ajith Kumar, son of Sudalaimuthu, aged about 28 years, detained now at the Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.S.Micheal Heldon Kumar
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, Ajith Kumar, son of Sudalaimuthu, aged about 28 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.103 of 2025 dated 24.12.2025 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.

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.



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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 detenu was arrested on 29.11.2025, whereas, the detention order was passed only on 24.12.2025. There is a delay of 25 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.103 of 2025 dated 24.12.2025 passed by



the second respondent is set aside. The detenu, viz., Ajith Kumar, son of Sudalaimuthu, aged about 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.,)
16.06.2026

Index : Yes / No

Internet : Yes / No

TSG

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
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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