



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.B.BALAJI

H.C.P.(MD)No.437 of 2026

Muniyasamy

.. Petitioner / detenu

Vs.

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

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

4.The Superintendent of Prison,
Theni District Jail,
Theni.

.. Respondents



WEB COPY

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 impugned detention order passed by the second respondent made in No. 76/BBCDEFGISSSV/2025 dated 12.12.2025 and quash the same and direct the respondents to produce the body or person of the detenu, Muniyasamy son of Veerasamy, aged about 30 years, now detained as Goonda at Theni District Jail before this Court and set him at liberty forthwith.

For Petitioner : Mr.Dr.R.Alagumani

For Respondents : Mr.G.Karuppasamy Pandian,
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, Muniyasamy son of Veerasamy, aged about 30 years. The detenu has been detained by the second respondent by his order in 76/BBCDEFGISSSV/2025 dated 12.12.2025 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.



WEB COPY

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 04.11.2025, whereas, the detention order was passed only on 12.12.2025. There is a delay of 38 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.



WEB COPY 6. In the result, the Habeas Corpus Petition is allowed and the order of detention in 76/BBCDEFGISSSV/2025 dated 12.12.2025 passed by the second respondent is set aside. The detenu, viz., Muniyasamy son of Veerasamy, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.B.B.,J.)
09.06.2026

Index : Yes / No

Internet : Yes / No

TSG

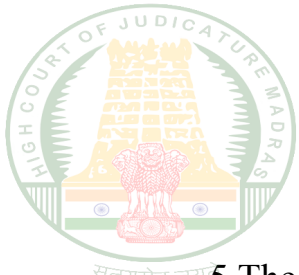
To

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

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

4.The Superintendent of Prison,
Theni District Jail,
Theni.



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



WEB COPY



**N. ANAND VENKATESH,J.
AND
P.B.BALAJI,J.**

TSG

H.C.P.(MD)No.437 of 2026

09.06.2026