



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.542 of 2026

Nagavalli

.. Petitioner / mother of the
detenu

Vs.

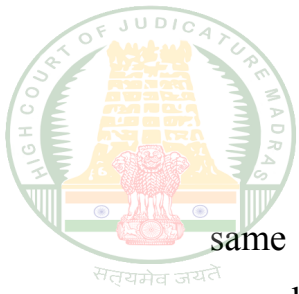
1.The State of Tamilnadu,
Rep By,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 9.

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

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

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records pursuant to the proceedings of the second respondent in Cr.M.P.No.67/2025 dated 23.07.2025 quash the



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same and consequently direct the respondents to produce the detenue, namely, Kannan, S/o.Murugan, aged 21 years who is now detained in Central Prison, Trichy before this Court and set at liberty.

For Petitioner : Mr.P.Praveenkumar
For Respondents : Mr.G.Karuppasamy Pandiyan,
Counsel for 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, Kannan, S/o.Murugan, aged 21 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.67/2025 dated 23.07.2025 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 State of Tamil Nadu (Criminal Side) for the respondents. We have also perused the records produced by the Detaining Authority.



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3. The learned counsel appearing for the petitioner raised a ground that the detention order dated 23.07.2025 was sent to the Government for its approval only on 28.07.2025 and hence there was an unexplained delay of 5 days in sending the order of detention for its approval, which is in clear violation of Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982.

4. It is relevant to extract the Section 3(3) of the Tamil Nadu Act 14 of 1982:

“3(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter; and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.”



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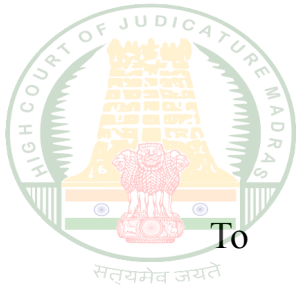
5. It is seen from the records that in this case, the order of detention was passed on 23.07.2025 and the same was sent to the Government only on 28.07.2025. The date of detention order is 23.07.2025, however, the Detaining Authority had taken five days time for sending the same to the Government for approval. On this sole ground alone the order of detention cannot be sustained and the same is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.67/2025 dated 23.07.2025, passed by the second respondent is set aside. The detenu, viz., Kannan, S/o.Murugan, aged 21 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.)
02.06.2026

Index : Yes / No
Internet : Yes / No

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To

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Secretariat,
Chennai - 9.
2. The District Collector and District Magistrate,
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3. The Superintendent of Prison,
Central Prison,
Trichy.
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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