



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.585 of 2026

S.Selvi

.. Petitioner / Mother of the
detenu

Vs.

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

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

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.79/2025, dated 16.10.2025 on the file of the second respondent herein and quash the same and direct the



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respondents to produce the detenue or body of the detenue namely the petitioner's son i.e. Suriyagandhi, aged about 24 years, S/o.Sundaresan, now detained at the Central Prison, Palayamkottai, before the Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (CrI.Side)

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the mother of the detenu, by name, Suriyagandhi, aged about 24 years, S/o. Sundaresan. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.79/2025, dated 16.10.2025, 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 TN (CrI.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 raised by the learned counsel for the petitioner, one of the main ground that was raised is that the Detaining Authority was aware of the fact that no bail application had been filed by the detenu in the ground case. However, the Detaining Authority relied upon the order passed in Cr.M.P.No.12417 of 2019, dated 28.11.2019 and had come to the conclusion that in a similar case, bail had been granted and therefore, there was a likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was relied upon did not arise out of a similar case and therefore, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in Cr.M.P.No. 12417 of 2019, dated 28.11.2019. It is seen that the Court had granted bail to the accused therein on the ground that the co-accused had been released on bail and that there were no previous cases against the accused therein. In the case in hand, there were two adverse cases against the detenu and therefore, there was a previous antecedent against the detenu. Hence, the



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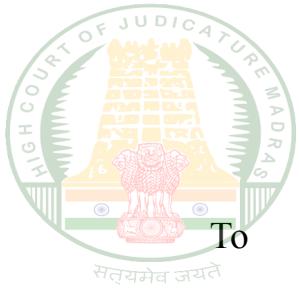
order that was relied upon by the Detaining Authority does not arise out of a similar case. Consequently, the detention order passed by the second respondent dated 16.10.2025 suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl.No.79/2025, dated 16.10.2025, passed by the second respondent is set aside. The detenu, viz., Suriyagandhi, aged about 24 years, S/o. Sundaresan, 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.)
03.06.2026

Index : Yes / No
Internet : Yes / No

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3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
5. 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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