



H.C.P.(MD)No.629 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.01.2026

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.629 of 2025

M.Petchiammal

... Petitioner

-VS-

1.State of Tamil Nadu

Rep. by 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

4. The Superintendent

District Jail, Perurani
Thoothukudi District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S.Confdl No.35/2025 dated 07.05.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., BalaSingh, aged about 44 years, S/o.Muthupandi now detained at the District Jail, Perurani, Thoothkudi before this court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the mother of the detenu viz., BalaSingh, aged about 44 years, S/o.Muthupandi. The detenu has been detained by the second respondent by his order in No. M.H.S.Confdl No.35/2025 dated 07.05.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil



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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. We have also perused the records produced by the Detaining Authority.

3. The learned Counsel appearing for the petitioner would submit that the detenu was detained by an order dated 07.05.2025, however, the detention order was sent to the Government for approval only on 12.05.2025 for its approval and the same was received on 13.05.2025 and thereby there was a delay of six days in sending the order of detention for its approval. In this regard, he relied on Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982. Accordingly, the detaining authority has to send the order of detention for approval to the government forthwith.



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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.”

5. It is seen from the records that in this case, the order of detention was passed on 07.05.2025 and the same was sent to the Government only on 13.05.2025, however, the detaining authority had taken six 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.



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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.35/2025 dated 07.05.2025, passed by the second respondent is set aside. The detenu, viz., BalaSingh, S/o.Muthupandi,aged about 44 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.K.I., J.] [R.P., J.]
05.01.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
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To

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

2.The District Collector and District Magistrate
Tenkasi District
Tenkasi



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3. The Superintendent of Prison,
Central Prison, Palayamkottai
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4. The Superintendent
District Jail, Perurani
Thoothukudi District

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



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