



H.C.P.(MD)No.714of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.01.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

H.C.P.(MD)No.714 of 2025

Ganesan

... 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 Magistrate and District Collector
Dindigul District
Dindigul

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

4. The Inspector of Police
Dindigul Taluk Police Station
Dindigul

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India

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praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent in detention order No.04.05.2025 in Detention order in No. 30 of 2025 and to quash the same and direct the respondents to produce the detenu namely Vijay, S/o.Ganesan, aged about 23 years before this Court and set him at liberty now detained at Central Prison, Madurai.

For Petitioner : M/s.Prabha

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., Madhavan, S/o.Muthaiah aged about 23 years . The detenu has been detained by the second respondent by his order in Detention order P.D.No. 28 of 2025 dated 04.05.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



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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 raised a ground that the detenu was arrested and remanded to judicial custody on 06.04.2025 in pursuance to the registration of the First Information Report in Crime No. 183 of 2025 for the offences under Sections 191(2), 191(3), 126(2), 103(2) of BNS @ 191(2), 191(3), 126(2), 103(2) of BNS and Sections 3(1)(s), 3(2)(v) of SC/ST Act. The detenu was detained by and detention order dated 04.05.2025. The detention order and other documents were sent by the detaining authority to the Government on 08.05.2025 and as such there was a delay of four days in sending the order of detention. 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 04.05.2025 and the same was sent to the Government only on 08.05.2025. The date of detention order 04.05.2025 however, the detaining authority had taken four 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 Detention order in No. 30 of 2025 dated 04.05.2025, passed by the second respondent is set aside. The detenu, viz., Vijay, S/o.Ganesan, aged about 23 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.]
07.01.2026

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

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector
Dindigul District
Dindigul
- 3.The Superintendent of Prison,
Central Prison, Madurai.



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4. The Inspector of Police
Dindigul Taluk Police Station
Dindigul

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



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