



H.C.P.(MD)No.698 of 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.698 of 2025

Dhanashree

... Petitioner

-VS-

State of Tamil Nadu

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

2.The District Magistrate and District Collector
Tiruchirapalli District
Tiruchirapalli

3.The Superintendent of Prison,
Central Prison,
Tiruchirapalli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for the records
pertaining to the impugned detention order passed by the second



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respondent made in his proceedings in Cr.M.P.No.30 of 2025 dated 21.05.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the body or person of the detenue namely Saravanan, son of Palaniyandi, aged about 43 years who is detained at Central Prison, Tiruchirapalli before this Court and set him at liberty.

For Petitioner : Mr. S.Vinayak

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 wife of the detenu viz., Saravanan, son of Palaniyandi, aged about 43 years. The detenu has been detained by the second respondent by his order in Detention order Cr.M.P.No.30 of 2025 dated 21.05.2025 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 27.04.2025 in pursuance to the registration of the First Information Report in Crime No. 138 of 2025 for the offences under Sections 296(b), 115(2), 191(2), 191(3), 118(1), 109(1), 103(1). The detenu was detained by and detention order dated 21.05.2025. The detention order and other documents were sent by the detaining authority to the Government on 26.05.2025 and as such there was a delay of five 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 21.05.2025 and the same was sent to the Government only on 26.05.2025. The date of detention order 21.05.2025 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.



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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.30 of 2025 dated 21.05.2025, passed by the second respondent is set aside. The detenu, viz., Saravanan, son of Palaniyandi, aged about 43 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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Note: Issue order copy on 20.01.2026

To

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

2. The District Magistrate and District Collector
Tiruchirapalli District
Tiruchirapalli

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3.The Superintendent of Prison,
Central Prison,
Tiruchirapalli

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



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