



H.C.P.(MD)No.840 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2026

CORAM:

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

H.C.P.(MD)No.840 of 2025

Petchiammal

... Petitioner

-VS-

1.The Principal Secretary to the Government,
Home, Prohibition and Excise (xiv) Department,
Secretariat,
Chennai-600 009.

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

3.The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
(Crime No.177/2025)

4.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli City.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, call for the records relating to the detention order in M.H.S.Confdl.No.40/2025, dated 29.05.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenu namely Sivasakthi, son of Venkadachalapathi, aged about 26 years, now detained as “Goonda” at Central Prison, Palayamkottai and set him at liberty forthwith.

For Petitioner : Mr.N.Mohideen Basha

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., Sivasakthi, son of Vengadachalapathi, aged about 26 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No. 40/2025, dated 29.05.2025 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 would submit that the order of detention was passed on 29.05.2025. However, the detention order was sent to the Government for approval only on 03.06.2025. 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.

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



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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 29.05.2025 and the same was sent to the Government only on 03.06.2025. 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 M.H.S.Confdl.No.40/2025, dated 29.05.2025, passed by the second respondent is set aside. The detenu, viz., Sivasakthi, son of Vengadachalapathi, aged about 26 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.]
09.01.2026

am
NCC :Yes/No
Index: Yes/No
Internet: Yes/No



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