



H.C.P.(MD)No.855 of 2025

WEB COPY

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.855 of 2025

R.Geetha

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secreatariat,
Chennai - 600 009.

2.The District Collector and District Magistrate
Kanniyakumari District,
Nagercoil.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai

4. The Superintendent
District Jail,
Nagercoil
Kanniyakumari District

... Respondents



H.C.P.(MD)No.855 of 2025

WEB COPY

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 P.D.No.13 of 2025 dated 07.05.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenue or body of the detenu namely the petitioner's son i.e., Paranthaman, aged about 30 years, S/o.Rajakumar now detained at the District Jail, Nagercoil, Kanniyakumari District before this Court and sethim 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.,Paranthaman, aged about 30 years, S/o.Rajakumar. The detenu has been detained by the second respondent by his order in



H.C.P.(MD)No.855 of 2025

WEB COPY

P.D.No.13 of 2025 dated 07.05.2025 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.

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. A perusal of the record reveals that the detenu was detained within 30 days from the date of arrest. There is one adverse case and one ground case, therefore the sponsoring authority has to collect records of two cases and thereafter the sponsoring authority referred his name to the detaining authority to detain him under Act 14 of 1982, hence there was no delay in passing the order of detention. Though the detenu was confined



H.C.P.(MD)No.855 of 2025

WEB COPY

in District Jail, Nagercoil, the authority concerned has forwarded the report to the Superintendent of Prison, Palayamkottai, therefore there was no non-application of mind on the part of the detaining authority. However, the detention order was passed passed on 07.05.2025 which was sent to the Government for approval on the same day. The detaining authority passed the detention order on 07.05.2025 and the detaining authority is situated at Kanyakumari District at Nagercoil. It is not at all possible for the second respondent to send the order of detention for its approval to the first respondent on the same day and the same was also approved by the first respondent. That apart, the detaining authority has also referred one adverse case and one ground case to detain the detenu under Act. 14 of 1982. Both the adverse case and ground case are registered for the offences under section 323 of 307 of IPC.



H.C.P.(MD)No.855 of 2025

WEB COPY

4. In view of the above facts and circumstances the order of detention cannot be sustained and the same is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.13 of 2025 dated 07.05.2025 , passed by the second respondent is set aside. The detenu, viz., Paranthaman, aged about 30 years, S/o.Rajakumar 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
aav



H.C.P.(MD)No.855 of 2025

To
WEB COPY

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secreatariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate
Kanniyakumari District,
Nagercoil.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai
4. The Superintendent
District Jail,
Nagercoil
Kanniyakumari District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.855 of 2025

G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

aav

H.C.P.(MD)No.855 of 2025

05.01.2026