



H.C.P.(MD)No.860 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2026

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.860 of 2025

Sathish Kannan

... Petitioner

-VS-

1.State of Tamil Nadu

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

2.The District Magistrate and District Collector,

Office of the District Magistrate and District Collector,
Karur District, Karur.

3.The Superintendent of Prison,

Trichy Central Prison,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, call for the entire records,



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connected with the detention order of the Respondent No.2 in Cr.M.P.No. 24/2025, dated 02.06.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Sathish Kannan, son of Mohan, aged about 39 years, now detained as “Bootlegger” at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.Dr.R.Alagumani

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 detenu viz., Sathish Kannan, son of Mohan, aged about 39 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.24/2025, dated 02.06.2025 holding him to be a "Bootlegger", as contemplated under Section 2(b) 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



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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 arrested and remanded to judicial custody on 05.05.2025 in pursuant to the registration of the FIR in Cr.No.72 of 2025, for the offences punishable under Sections 4(1)(C), 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 @ Section 4(1)(C), 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024 and Section 4(1) (aaa) of the Tamil Nadu Prohibition Act, 1937, but the detention order was passed only on 02.06.2025. Further, the order of detention and the grounds of detention were sent to the Government for its approval after 5 days from the date of detention order i.e., on 07.06.2025. Hence, there was a delay of 5 days in sending the detention order for its approval to the Government. 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 02.06.2025 and the same was sent to the Government only on 07.06.2025. 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 Cr.M.P.No.24/2025, dated 02.06.2025, passed by the second respondent is set aside. The detenu, viz., Sathish Kannan,



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son of Mohan, aged about 39 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.]
12.01.2026

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District, Karur.
- 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
R. POORNIMA,J.

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