



H.C.P.(MD)No.881 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.881 of 2025

S.Nithya

... 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

Tirunelveli District
Tirunelveli

3.The Superintendent of Prison,

Central Prison, Palayamkottaim
Tirunelveli

... Respondents

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 M.H.S.Confdl.No.57 of



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2025 dated 21.05.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detene or body of the detenu namely the petitioner's husband ie., Sudalaikannu @ Sudalaimani aged about 29 years, S/o. Murugan now detained at Central Prison, Palayamkottai before this Court and set him 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 wife of the detenu viz., Sudalaikannu @ Sudalaimani aged about 29 years, S/o. Murugan . The detenu has been detained by the second respondent by his order in Detention order M.H.S.Confdl.No.57 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 24.04.2025 in pursuance to the registration of the First Information Report in Crime No. 382 of 2025 for the offences under Sections 296(b), 308(4), 351(3) of BNS. 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 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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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention order in M.H.S.Confdl.No.57 of 2025 dated 21.05.202, passed by the second respondent is set aside. The detenu, viz., Sudalaikannu @ Sudalaimani aged about 29 years, S/o. Murugan , 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
Tirunelveli District
Tirunelveli



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3.The Superintendent of Prison,
Central Prison, Palayamkottaim
Tirunelveli

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



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