



HCP(MD)No.897 of 2025

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

HABEAS CORPUS PETITION(MD)No.897 of 2025

Rufiya

... Petitioner

vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai- 600 009
2. The District Collector and District Magistrate
Tenkasi District, Tenkasi.
3. The Superintendent of Prison
Central Prison,
Palayamkotai, Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent in M.H.S.Confdl No.37 of 2025 dated 12.05.2025 and quash the same and direct the respondents to produce the detenu Nagoormeeran @ Ameerbhai, son of Peermohammad, Male aged 49



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who is detained at Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

This Habeas Corpus Petition has been filed to quash the detention order passed by the second respondent in M.H.S.Confdl No.37 of 2025 dated 12.05.2025 and to direct the respondents to produce the detenu, namely, Nagoormeeran @ Ameerbai, son of Peermohammad, male, aged 49, who is now confined in Central Prison, Palayamkottai.

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 complainant went to the house of the detenu and demanded a sum of Rs.22 crores, which was received as loan by the detenu. The detenu threatened them



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with dire consequences and also refused to pay the loan amount and also refused to return Rs. 25 lakhs which was received as commission for availing loan. For the said occurrence the complaint was lodged on 21.04.2025 and the First Information Report came to be registered in Crime No. 4 of 2025 for the offences under Sections 316(2), 318(4), 296(b) and 351(2) of BNS on 24.01.2025. Pursuant to his arrest and remand to judicial custody, he was branded as GOONDA and detained under Act.14 of 1982 on 12.05.2025. The detaining authority has shown three cases and all the case are pertaining to offence of cheating. Even according to the prosecution, the occurrence was held inside the house of the detenu, therefore it cannot meet the standard prescribed for preventive detention unless there is demonstrable threat to the maintenance of public order. In support of his contention he also produced the judgment in the case of ***Mallada K.Sriram .vs. The State of Telegana*** in CrI.A.No.561 of 2022 dated 04.04.2022.

4. The counter affidavit filed by the respondent and also the submissions made by the learned Additional Public Prosecutor reveal that the detenu was arrested and remanded to judicial custody on 22.04.2025 pursuant to the registration of Crime No. 04 of 2025 for the occurrence that took place on 22.01.2025. Even according to the case of prosecution, the complainant and



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others went to the house of the detenu and demand loan amount which was received by the detenu. Further, the detenu received a sum of Rs.25 lakhs as commission for availing loan to the tune of Rs.25 crores. Admittedly the offence did not take place in the public place. After his arrest the sponsoring authority sponsored the name of the detenu to detain him under Act. 14 of 1982 and after receipt of relevant records the detaining authority detained him and branded him as Goonda under Act 14 of 1982 for the reason that the detenu had committed serious crime pertaining to the public order. Further the detenu had not committed the crime in busy public locality and he has not created alarm and feeling of insecurity in the minds of the public and that thereby in a manner prejudice to the maintenance of public order.

5. It is absolutely non application of mind on the part of the detaining authority. Even according to the case of the prosecution, the complainant went to the house of the accused and demanded the loan amount which was already received by the detenu.

6. The alleged offence of cheating cannot meet the standard prescribed for preventive detention unless there is demonstrable threat to the maintenance of public order. In fact, at the best, only a law and order problem would arise on



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the facts of this case and not a public order problem, thereby the order of detention is totally perverse and the same cannot be sustained.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.37 of 2025 dated 12.05.2025 passed by the second respondent is set aside. The detenu, viz., Nagoormeeran @ Ameerbhai, son of Peermohammad, male aged 49 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

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai- 600 009
2. The District Collector and District Magistrate
Tenkasi District, Tenkasi.
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Central Prison, Palayamkotai, Tirunelveli
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

AND

R.POORNIMA, J.

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DATED : 05.01.2026