



H.C.P.(MD)No.979 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED :09.02.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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R.Gopalakrishnan

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by 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,
Thoothukudi District, Thoothukudi.

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

4.The Superintendent,
District Jail,
Perurani,
Thoothukudi District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records connected with the detention order passed in H.S.(MD) Confdl.No.75/2025, dated 17.07.2025, on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son i.e., Govindarajan @ Gopi, aged about 27 years, S/o Ramanathan, now detained at the District Jail, Perurani, Thoothukudi District, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Veerapandi Selvaraj

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 brother of the detenu viz., Govindarajan @ Gopi, S/o. Ramanathan, aged about 27 years. The detenu has been detained by the second respondent by his order in



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H.S.(MD) Confdl.No.75/2025, dated 17.07.2025, holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2.The learned counsel for the detenu raised grounds that page Nos. 7, 9, 11 and 13 are illegible; as such, the detenu was not able to make an effective representation to reconsider the order of detention. Further, there is a violation of the provision under Section 3(3) of the Act 14. The order of detention was passed on 17.07.2025. Further, it was sent to the Government for its approval only on 22.07.2025. There was an unexplained delay of 5 days in sending the order of detention to the Government for its approval. Those irregularities were clearly mentioned in the representation and it was sent to the authorities concerned. Further, it was not considered; as such, the order of detention cannot be sustained and is liable to be set aside.



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3.Perusal of materials and also the submission of the learned Additional Public Prosecutor reveals that the detention order was passed on 17.07.2025 and the same was sent to the Government on 22.07.2025. There were two days of holidays in between the days, and the detaining authority had taken only two days to send the detention order for its approval. Therefore, there was no delay in sending the order of detention to the authorities for its approval.

4.Further, perusal of Booklet I shows that the page Nos. 9, 7, 11 and 13 are legible and readable. Even though it is submitted that in the representation submitted by the detenu dated 06.08.2025, the detenu stated about the illegible copies of the document, and also the detenu was not served with the remand explanation order, perusal of records reveals that there is no proof to show that the detenu had sent representation to the detention authority or any other authority. The pro forma filed by the detention authority also



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revealed that they did not even receive such representation.

Therefore, the grounds raised by the petitioner cannot be considered to interfere with the order of detention.

5. Accordingly, this habeas corpus petition is dismissed.

[G.K.I., J.] [R.V., J.]
09.02.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
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To

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2.The District Collector and District Magistrate,
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4.The Superintendent,
District Jail,
Perurani,
Thoothukudi District.

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



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AND
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