



H.C.P.(MD)No.984 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.02.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

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Tamilselvi

... Petitioner

-VS-

State of Tamil Nadu

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

2.The District Magistrate and District Collector
Tiruchirapalli District
Tiruchirapalli

3.The Superintendent of Prison,
Central Prison,
Tiruchirapalli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for the records
pertaining to the impugned detention order passed by the second

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respondent made in his proceedings in Cr.M.P.No.39 of 2025 dated 09.06.2025 in detaining the detenu under Section 2(f) of Tamil Nadu Act. 14 of 1982 as a Goonda and quash the sme and direct the respondents to produce the detenu namely Hariharan, S/o.Balu, male aged about 21 years who is detained in Central Prison, Tiruchirapalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

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., Hariharan, S/o.Balu, male aged about 21 years . The detenu has been detained by the second respondent by his order in Detention order in Cr.M.P.No.39 of 2025 dated 09.06.2025 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 submitted that the date of representation is 08.08.2025 which was received on 14.08.2025, however it was disposed only on 19.08.2025 and as such there was unexplained delay of four days in considering the representation submitted by the detainee, That apart the detention order dated 09.06.2025 was sent to the Government for its approval only on 13.06.2026 and a such there was an unexplained delay of four days which is in clear violation of Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982.

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



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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 09.06.2025 and the same was sent to the Government only on 13.08.2025. The date of detention order 09.06.2025 however, the detaining authority had taken four days time for sending the same to the Government for approval. 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.39 of 2025 dated 09.06.2025, passed



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by the second respondent is set aside. The detenu, viz., Hariharan, S/o.Balu, male aged about 21 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.]
18.02.2026

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

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

2.The District Magistrate and District Collector
Tiruchirapalli District
Tiruchirapalli

3.The Superintendent of Prison,
Central Prison,
Tiruchirapalli

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



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