



H.C.P.(MD)No.1038 of 2025

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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**

H.C.P.(MD)No.1038 of 2025

D.Latha

... 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 Collector and District Magistrate
Sivagangai District,
Sivagangai

3.The Superintendent of Prison,
Central Prison,
Madurai

... Respondents

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



H.C.P.(MD)No.1038 of 2025

entire records connected with the detention order passed in Cr.M.P.No.59/Goonda/2025 dated 13.05.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu namely the petitioner's son ie. Jana, male aged about 21 years, S/o.Duraikannu now detained at the Central Prison, Madurai before this Court and set him at liberty forthwith

For Petitioner : Mr.G.Karuppasamy Pandian
for Mr.M.Murugesan
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., Jana, male aged about 21 years, S/o.Duraikannu . The detenu has been detained by the second respondent by his order in Cr.M.P.No. 59/Goonda/2025 dated 13.05.2025 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.



H.C.P.(MD)No.1038 of 2025

WEB COPY

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 page Nos.7,14,24,25,35,36,74,75,76,77 and 78 were served to the detenu in English version and the translated version in Tamil was not served on the detenu.

4. On perusal of the booklet and the submission made by the learned counsel appearing for the petitioner revealed that though they produced the arrest card and arrest intimation in so far as the document annexed in Page No.35 is concerned, it is the “ Form on an order for the detention in custody of the accused”, which is in English, however, translated version is not served on



H.C.P.(MD)No.1038 of 2025

WEB COPY

the detenu which has caused great prejudice to the detenu to submit effective representation to consider the order of detention.

4. On this sole ground alone, the order of detention cannot be sustained and the same is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.59/Goonda/2025 dated 13.05.2025, passed by the second respondent is set aside. The detenu, viz., Jana, male aged about 21 years, S/o.Duraikannu 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

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

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Note:Issue order copy on 27.01.2026



H.C.P.(MD)No.1038 of 2025

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- 1.The Additional Chief Secretary to Government,
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- 2.The District Collector and District Magistrate
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Sivagangai
- 3.The Superintendent of Prison,
Central Prison,
Madurai
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD)No.1038 of 2025

G.K. ILANTHIRAIYAN,J.
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H.C.P.(MD)No.1038 of 2025

05.01.2026

Page 6 of 6