



H.C.P.(MD)No.1054 of 2025

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

**DATED : 12.01.2026**

**CORAM:**

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN**

**AND**

**THE HONOURABLE MS.JUSTICE R. POORNIMA**

**H.C.P.(MD)No.1054 of 2025**

Subramanian

... Petitioner

-VS-

The State of Tamil Nadu,

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

2.The District Collector and District Magistrate,  
O/o.the District Collector and District Magistrate,  
Trichy District, Trichy.

3.The Superintendent of Prison,  
Central Prison,  
Trichy.

4.The Inspector of Police,  
Somarasampettai Police Station,  
Trichy 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, call for the entire records connected with the detention order in Cr.M.P.No.38/2025, dated 03.06.2025, on the file of the respondent No.2 and quash the same as illegal and direct the respondents to produce the body order person of the petitioner's son namely Guna, aged about 27 years, son of Subramanian, now confined at Central Prison, Trichy before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Prabha

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 father of the detenu viz., Guna, son of Subramanian, aged about 27 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.38/2025, dated 03.06.2025 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 would submit that the detenu was arrested and remanded to judicial custody on 09.05.2025 in pursuant to the registration of the FIR in Cr.No.169/2025, for the offences punishable under Sections 309(4), 311, 103(1) BNS, 2023, but the detention order was passed only on 03.06.2025. Further, the order of detention and the grounds of detention were sent to the Government for its approval after 5 days from the date of detention order i.e., on 09.06.2025. Hence, there was a delay of 5 days in sending the detention order for its approval to the Government. 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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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 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 03.06.2025 and the same was sent to the Government only on 09.06.2025. 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.38/2025, dated 03.06.2025, passed by the second respondent is set aside. The detenu, viz., Guna, son of



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Subramanian, aged about 27 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.]  
12.01.2026

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,  
Trichy District, Trichy.
- 3.The Superintendent of Prison,  
Central Prison,  
Trichy.
- 4.The Inspector of Police,  
Somarasampettai Police Station,  
Trichy District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.K. ILANTHIRAIYAN,J.**  
**AND**  
**R. POORNIMA,J.**

am

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