



H.C.P.(MD)No.1058 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04/02/2026

CORAM:

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

H.C.P.(MD)No.1058 of 2025

Muthukumar

: Petitioner/Detenu

-Vs-

1.Principal Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Tiruchirappalli City,
(A.M.I.S) Tiruchirappalli,

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

4.The Inspector of Police,
Cantonment (Crime) Police Station,
Tiruchirappalli 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 entire records, connected with the detention order of the Respondent No.2 in C.No.60/Detention/C.P.O/TC/2025, dated 03/07/2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Thiru.Muthukumar, Son of Paulraj, aged about 25 years, now detained as 'Goonda' at Trichy Central Prison before this Court and to set him at liberty forthwith and pass such further or other orders.

For Petitioner : M/s.M.Keerthi Prasanna

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 detenu, aged about 25 years. The detenu has been detained by the second respondent by passing the detention order in C.No.60/Detention/C.P.O/TC/2025, dated 03/07/2025 holding him to be a "GOONDA", as contemplated under Section 2(1) 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 raised the grounds that the detenu was detained by the Detaining Authority under Act 14, by order, dated 03/07/2025, however, it was sent to the Government for its approval only on 08/07/2025 and therefore, there was an unexplained delay of 5 days and it caused serious prejudice to the detenu; Though the detention order was passed on 03/07/2025 and it was served on the detenu on the same day along with the grounds of detention, the detenu was not served with the booklet, which relied on by the Detaining Authority to detain the detenu and it was served on the detenu only on 08/07/2025 i.e., beyond 5 days of the detention order. It is a clear violation of Section 8(1) of Act 14 of 1982. In support of his contention, he relied upon the decision of this Court rendered in the case of *Kalyani Vs. The Secretary to the Government, Home Prohibition*

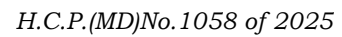


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and Excise Dept., Secretariat, Chennai-600 009 and 4 others (HCP No. 1295 of 2025, dated 16/12/2025), wherein this Court held that five days to be calculated from the date of the detention order to comply the Section 8(1) of Act 14 of 1982. Therefore, five days has to be counted from the date of the detention order. He also relied upon the common decision of this Court rendered in the case of *Vasanthi Vs. The Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai-9 & others*; and *Selva Vs. The Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai-9 & others (HCP Nos.1407 and 1410 of 2023, dated 29/08/2023)*, wherein it has been held that the grounds would include the copies of documents i.e., the 'grounds booklet' to put it in ease of language/expression in vogue in the habeas Bar, is governing the field and the same has stood the test of time.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondents submits that Section 8(1) of Act 14 of 1982 is very clear that the detenu should be served the grounds of detention





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and as such, it cannot be construed that there was a delay in sending the detention order for its approval to the Government. Therefore, it is held that there is no violation of Section 3(3) of the Act.

7. In so far as the second ground is concerned, admittedly the detenu was served with the detention order along with grounds of detention on 03/07/2025, that is on the date of passing of the detention order. However, the detenu was served the booklet, which contains all the documents, relied on by the Detaining Authority to detain the detenu only on 08/07/2025, which is beyond five days from the date of passing of the detention order.

8. At this juncture, it is relevant to extract the Section 8(1) of Act 14 of 1982, which reads as under:-

“8. Grounds of order of detention to be disclosed in persons affected by the order-
(1) When a person is detained in pursuance of a detention order, the Authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to



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him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government.”

9. Thus, it is clear that the detenu has to serve the grounds of detention that is the booklet within a period of five days from the date of the detention order. But the Detaining Authority served the booklet to the detenu only on 08/07/2025, which is beyond five days.

10.A Co-ordinate Bench of this Court in the case of ***Mageswari Vs. The State of Tamil Nadu reported in 2011(1) MWN (Cr.) 599(DB)***, held as follows:-

“7.Of course, the language of Section 8(1) does not refer to the supply of copies of the documents along with the grounds of detention. It simply refers to the communication to the detenue of the grounds on which the order of detention has been made. But, however, it was superadded with the rider specifying the purpose for which the grounds are to be communicated. The purpose



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enshrined therein is to afford the detenue the earliest opportunity of making an effective representation against the order of detention to the Government. The mere supply of the ground of detention unaccompanied by copies of the materials relied on the Detaining Authority, is of no use for the purpose of making an effective representation, at the earliest opportunity, against the order of detention. Therefore, we are of the view that the supply of copies of materials relied on along with the grounds of detention is also the requirement of the said provision to enable the detenue to make an effective representation at the earliest point of time. In other words, the supply of ground of detention as contemplated in Section 8(1) will include the supply of the copies of the relied on documents also and this view will also be strengthened by the fact that the abstract order of detention could not have been passed even before preparing the grounds of detention stating the reasons.”



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11.Thus, it is clear that the grounds would include the copies of the documents as booklet which were relied on by the Detaining Authority to detain the detenu. Therefore, it is a clear violation of Section 8(1) of Act,14 of 1982. On that sole ground, the impugned detention order is liable to be set aside and accordingly, it is set aside.

12.In the result, the Habeas Corpus Petition is **allowed** and the order of detention passed in C.No.60/Detention/C.P.O./TC/2025, dated 03/07/2025 by the second respondent is set aside. The petitioner namely the detenu, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case. It is made clear that the Trial Court is directed to dispose of the bail application, if any filed by the detenu on its own merits and in accordance with law without influencing any of the observations made by this Court in this petition.

[G.K.I., J.] [R.P., J.]
04.02.2026

Index: Yes/No
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- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Police,
Tiruchirappalli City,
(A.M.I.S), Tiruchirappalli.
- 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
- 4.The Inspector of Police,
Cantonment (Crime) Police Station,
Tiruchirappalli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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