



H.C.P.(MD)No.1064 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2026

CORAM:

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

H.C.P.(MD)No.1064 of 2025

Selvam

... Petitioner

-VS-

State of Tamil Nadu Rep. by

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

2.The District Collector and District Magistrate,
Dindigul District, Dindigul

3.The Superintendent of Prison,
Madurai Central Prison
Madurai District

... Respondents

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 order of the second respondent in detention order No. 31 of 2025 dated 20.05.2025 and quash the same and direct the respondents to produce the detenu by name Selvam, son of Karuppannan,



H.C.P.(MD)No.1064 of 2025

aged about 41 years now confined at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

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 viz., Selvam, son of Karuppannan, aged about 41 years . The detenu has been detained by the second respondent by his order in detention order No.31 of 2025 dated 20.05.2025 holding him to be a "Sexual offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

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.



H.C.P.(MD)No.1064 of 2025

WEB COPY

3. The learned counsel appearing for the petitioner submitted the detenu was arrested and remanded to judicial custody on 22.04.2025 in pursuance to the registration of the Firs Information Report in Crime No.18 of 2025 for the offences under Sections 27, 351(3) of BNS and Section 5(l)5(m) r/w.6 of POCSO Act, therefore the petitioner was branded as sexual offender and detained under Act.14 of 1982 by an detention order dated 20.05.2025. The detaining authority was delegated with power to detain the detenu initially under Act.14 of 1982 by way of G.O.Ms.No.17, Home, Prohibition, and Excise (XVI) Department dated 09.01.2025 under sub Section 3(3) of the Act No.14 of 1982. The said order has been valid upto three months and the after its validity the detaining authority without application of mind detained the detenu by an order dated 20.05.2025.

4. It is also confirmed on the perusal of the document and counter affidavit filed by the second respondent and on this sole ground alone the order of detention cannot be sustained and the same is liable to be quashed.



H.C.P.(MD)No.1064 of 2025

WEB COPY

5. In the result, the Habeas Corpus Petition is allowed and the order of detention No.31 of 2025 dated 20.05.2025, passed by the second respondent is set aside. The detenu, viz., Selvam, son of Karuppanan, aged about 41 years, is directed to be released forthwith unless his detention is required in connection with any other case.

6. It is made clear that this Court cautiously does not want to go into the facts of the case and nature of crime committed by the detenu. Though this Court quash the order of detention it does not mean that the trial Court has to grant bail to the detenu. Further, the trial Court is directed to consider the bail application, if any, filed by the detenu on its own merits in accordance with law without being influenced by any of the observations made in this order by this Court.

[G.K.I., J.] [R.P., J.]
27.01.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
aav



H.C.P.(MD)No.1064 of 2025

To
WEB COPY

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Dindigul District, Dindigul
- 3.The Superintendent of Prison,
Madurai Central Prison
Madurai District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.1064 of 2025

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

aav

H.C.P.(MD)No.1064 of 2025

27.01.2026