



H.C.P.(MD)No.1132 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**

H.C.P.(MD)No.1132 of 2025

Surya

... 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
Karur District
Karur

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
relating to the impugned order of detention made in Cr.M.P.No.31 of
2025 dated 11.08.2025 on the file of the District Magistrate and District

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Collector, Karur District the second respondent herein branding the petitioner's husband/detenu by name Kaviyarasan, S/o.Kathiravan, aged 32 years as Goonda who is now confined at Central Prison, Tiruchirapalli and quash the impugned order of detention and set him at liberty by producing him before this Court.

For Petitioner : Mr.G.Thalaimutharasu

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 wife of the detenu viz., Kaviyarasan, S/o.Kathiravan, aged 32 years . The detenu has been detained by the second respondent by his order in Detention order in Cr.M.P.No.31 of 2025 dated 11.08.2025 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.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the



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respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel appearing for the petitioner submitted that the detenu was detained by a detention order dated 11.08.2025, however it was sent for its approval, thereby there was an explained delay of seven 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 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.”



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5. It is seen from the records that in this case, the order of detention was passed on 11.08.2025 and the same was sent to the Government only on 18.08.2025. The date of detention order 11.08.2025 however, the detaining authority had taken seven 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.31 of 2025 dated 11.08.2025, passed by the second respondent is set aside. The detenu, viz., Kaviyarasan, S/o.Kathiravan, aged 32 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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Karur

3. The Superintendent of Prison,
Central Prison,
Tiruchirapalli

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



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