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H.C.P.(MD)No.1293 of 2025

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

DATED :09.02.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD)No.1293 of 2025

Jothi

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City, Tirunelveli.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli 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



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records, connected with the detention order of the Respondent No.2 in No.59/BCDFGISSSV/2025, dated 18.07.2025, and quash the same and direct the respondents to produce the body or person of the detenu by name Thiru.Hari Subramanian, son of Mariappan, aged about 20 years, now detaining as “Goonda” at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Srikanth

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 brother of the detenu viz., Hari Subramanian, son of Mariappan, aged about 20 years. The detenu has been detained by the second respondent by his order in No. 59/BCDFGISSSV/2025, dated 18.07.2025, 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



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petition.

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2.The learned counsel for the petitioner raised the only ground that the order of detention was passed on 18.07.2025 and the grounds of detention was served on the detenu on 19.07.2025. However, the detenu was served with the booklet, which annexed all the documents, which were relied upon by the detaining authority only on 23.07.2025. Therefore, it is a clear violation of Section 8(1) of the Act 14.

3.Perusal of records reveals that the detenu was detained by the order dated 18.07.2025 and the order with the grounds of detention on 19.07.2025 itself. It is relevant to extract Section 8(1) of Act 14 as follows:

“8.(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 him the grounds, on which the order has been made and shall afford him



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*the earliest opportunity of making a representation
against the order to the State Government.”*

4.Thus, it is clear that the detainee must be served with the grounds of detention within a period of five days from the date of detention. There is no limitation to serve the documents, which are relied upon by the detaining authority, to the detainee. However, in this case, the documents, which are annexed in the booklet relied upon by the detaining authority, were served to the petitioner on 23.07.2025 itself. There is no violation of provisions of 8(1) of the Act 14, and there are no circumstances to interfere with the order of detention passed by the detaining authority.

5.Accordingly, this habeas corpus petition is dismissed.

[G.K.I., J.] [R.V., J.]
09.02.2026

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



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Madurai Bench of Madras High Court,
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