



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1407 of 2025

Santhiya

.. Petitioner / wife of the detenu
Vs.

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

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

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

4.The Inspector of Police,
Thottiyam Circle,
Thottiyam Police Station,
Trichy District.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue
a writ of Habeas Corpus to call for the entire records, connected with the



detention order passed by the second respondent in Cr.M.P.No.89 of 2025 dated 24.10.2025 and quash the same and direct the respondents to produce the body or person of the petitioner's husband, namely Kalpesh aged about 35 years, son of Uthirakumar, now confined at Central Prison, Trichy before this Court and set him at liberty forthwith.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the wife of the detenu viz., Kalpesh aged about 35 years, son of Uthirakumar. The detenu has been detained by the second respondent by his order in Cr.M.P.No.89 of 2025 dated 24.10.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



WEB COPY

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. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that there is a delay of more than 30 days (i.e., 50 days) in passing the detention order and this delay is totally unexplained.

4. In our considered view, the issue is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***Sushanta Kumar Banik Vs. State of Tripura and Others*** reported in ***2022 SCC Online SC 1333***.

5. The detention order is vitiated due to the fact that there was a solitary case and the live and proximate link between the grounds of detention and the purpose of the detention is completely absent. Hence, this Court is inclined to interfere with the detained order passed by the second respondent.



WEB COPY

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.89 of 2025 dated 24.10.2025 passed by the second respondent is set aside. The detenu, viz., Kalpesh aged about 35 years, son of Uthirakumar, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.)
30.03.2026

Index : Yes / No

Internet : Yes / No

TSG

To

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

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

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

4.The Inspector of Police,
Thottiyam Circle,
Thottiyam Police Station,
Trichy District.



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

WEB COPY



WEB COPY



**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

TSG

H.C.P.(MD)No.1407 of 2025

30.03.2026