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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1467 of 2025

Mariya Anthony Agnel @ Agnel

.. Petitioner / detenu

Vs.

1.The State of Tamilnadu,

Rep By,

The Additional Chief Secretary to the Government,

Home, Prohibition and Excise Department,

Secretariat,

Chennai - 9.

2.The District Collector and District Magistrate,

O/o.The District Collector and District Magistrate,

Thoothukudi District.

3.The Superintendent of Prison,

Palayamkottai Central Prison,

Tirunelveli 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 of the respondent No.2 in H.S.(M). Confdl No.98/2025 dated 19.09.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Mariya Anthony Agnel @ Agnel, son of Dominic, aged about 33 years, now detained as “Goonda” at Palayamkottai Central Prison before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, by name, Mariya Anthony Agnel @ Agnel, son of Dominic, aged about 33 years. The detenu has been detained by the second respondent by his order in H.S.(M). Confdl No.98/2025 dated 19.09.2025 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.

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.



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3. Though several grounds have been raised in the Habeas Corpus Petition, apart from the other grounds that were raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the Detaining Authority, in the detention order, has specifically pointed out that the concerned Court had extended the remand till 29.09.2025 on 02.09.2025. However, what is available in the paper book is only the report submitted by the Police, and the remand extension order passed by the learned Judicial Magistrate No.III, Thoothukudi, does not form part of the paper book. The learned counsel further submitted that, when the representation was made, the detenu had specifically sought a copy of the document and it was not furnished.

4. In our considered view, the detention order specifically makes reference to the remand extension order dated 02.09.2025 passed by the learned Judicial Magistrate No.III, Thoothukudi, extending the remand till 29.09.2025. However, this order does not form part of the paper book. Therefore, there is a clear non-application of mind as the Detaining Authority, even without any document, has reached such a conclusion in the detention order.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M). Confdl No.98/2025 dated 19.09.2025 passed by the second respondent is set aside. The detenu, viz., Mariya Anthony Agnel @ Agnel, son of Dominic, aged about 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
03.03.2026

Index : Yes / No

Internet : Yes / No

TSG

To

The Principal Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 9.

2.The Commissioner of Police,
Madurai City.

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

4.The Inspector of Police,
Mathichiyam Police Station,
Madurai District.



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

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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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