



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.230 of 2026

Sundari

.. Petitioner / mother of the
detenu

Vs.

- 1.The State of Tamil Nadu,
represented by
the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
 - 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thoothukudi District, Thoothukudi.
 - 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- .. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, to call for the records connected with the detention order passed in Detention Order No.H.S.(M) Confdl.No.126 of 2025 dated 18.11.2025 and quash the same and to direct the respondents to produce the body or person of the detenu by name Esakkimuthu, son of Esakkipandi, aged about 26 years, now confining as Gooonda at Palayamkottai Central Prison before this Court and set him at liberty.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name, Esakkimuthu, son of Esakkipandi, aged about 26 years. The detenu has been detained by the second respondent by his order in Detention Order No.H.S.(M) Confdl.No.126 of 2025 dated 18.11.2025, 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. 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 no bail petition was pending as on the date of passing of the detention order, but, however, the Detaining Authority took into consideration the order passed in Crl.M.P.No.6466 of 2024 dated 20.09.2024 and has come to a conclusion that bail has been granted in a similar case and therefore, there is likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was relied upon by the Detaining Authority does not arise out of a similar case and therefore, there is clear non-application of mind.

4. We have carefully gone through the order passed in Crl.M.P.No. 6466 of 2024. That was a case where the accused therein did not have any previous case and the Court also took into consideration the fact that the accused therein had suffered incarceration for nearly 117 days. In the case in hand, the detenu had three adverse cases apart from the ground case. Therefore, the order that was relied upon by the Detaining Authority is not a similar case and consequently, the detention order suffers from non-application of mind.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.H.S.(M) Confdl.No.126 of 2025 dated 18.11.2025, passed by the second respondent is set aside. The detenu, viz., Esakkimuthu, son of Esakkipandi, aged about 26 years, 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.)
29.04.2026

Index : Yes / No

Internet : Yes / No

TSG

To

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

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

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

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



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

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