

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.295 of 2026

A.Pathirakali

... Petitioner

Vs

1.The State of Tamil Nadu,

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

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

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

... 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 in M.H.S.Confdl No.154/2025 dated 24.11.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the



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petitioners son i.e., Thangapandi, aged about 26 years, S/o.Annapandi, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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, Thangapandi, aged about 26 years, S/o.Annapandi. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.154/2025 dated 24.11.2025 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 raised by the learned counsel appearing for the petitioner, one of the main grounds that was raised is that the Detaining Authority was aware of the fact that the bail petition filed by the detinue came to be dismissed and inspite of the same, the Detaining Authority had taken into consideration the order passed in CrI.M.P.No.2581 of 2024 dated 26.11.2024 and came to a conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detinue coming out on bail. The learned counsel for the petitioner submitted that the order relied upon by the Detaining Authority is not a similar case and hence, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in Cr.M.P.No. 2581 of 2024 dated 26.11.2024. That was a case, where the Court has taken into consideration the fact that the co-accused was granted bail and the Court also took into consideration 74 days incarceration suffered by the accused therein. Hence, the order relied upon cannot be considered to be arising out of a similar case and hence, the detention order suffers from non-application of mind.



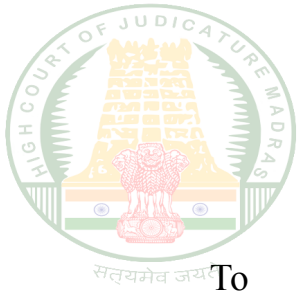
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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.154/2025 dated 24.11.2025, passed by the second respondent is set aside. The detenu, viz., Thangapandi, aged about 26 years, S/o.Annapandi, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
28.04.2026

Index : Yes / No
Internet : Yes / No

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- To
1. The Additional Chief Secretary to Government,
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 2. The District Collector and District Magistrate,
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 3. The Superintendent of Police,
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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