



HCP(MD)



026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-04-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

HCP(MD) NO. 397 of 2026

1. Mariyanayagam  
S/o.Gangadharan  
3121 Magizhampoo Veethi  
Thendral Nagar  
Rajapalayam  
Virudhunagar District.

Petitioner(s)

Vs

1. The State of Tamilnadu  
Rep by The Principal Secretary to Government  
Home Prohibition and Excise Dept  
Secretariat  
Chennai - 9.

2. The District Magistrate and District Collector  
O/o.The District Magistrate and District Collector  
Virudhunagar.

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

Respondent(s)

**For Petitioner(s):** M/s.R.ALAGUMANI

**For Respondent(s):** Mr.A.Thiruvadikumar  
Addl. Public Prosecutor

**Prayer:**H2-(Economic Offender)- To detention order of the Respondent No.2 in Cr.M.P.No. 13/2025 (Economic Offender) dt. 02.08.2025 and quash the same and direct the respondents



to produce the body or person of the detenu by name Gangadharan S/o. Sankarai



## ORDER

(Order of the Court was made by N.Anand Venkatesh J.)

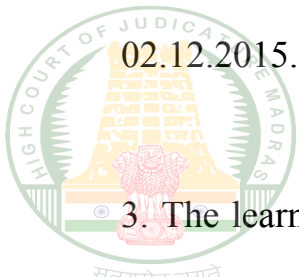
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This is the 2<sup>nd</sup> Habeas Corpus Petition filed challenging the detention order of the 2<sup>nd</sup> respondent dated 02.08.2025 passed in Cr.M.P.No.13/2025.

2. The learned counsel for the petitioner primarily raised two grounds, which were not raised when the earlier HCP was dismissed by an order dated 16.02.2026 and they are,

(a) The representation was made to the detaining authority, namely, Collector on 07.08.2025 and it was received on 09.08.2025 and it came to be rejected by the detaining authority on 15.08.2025. In the meantime, the Government had granted approval on 13.08.2025 and as a consequence the detaining authority became *functus officio*. To substantiate this submission, the learned counsel relied upon the judgment of this Court ***Muruggavalli v. State rep. by Secretary to Government and others*** reported in **2012 (2) MWN Crl. 99** and

(b) 12 days time is given for the detaining authority to consider the representation and the detaining authority has the power to withdraw the detention order by considering the representation. However, within 12 days, the Government had given the approval and as a result, the detaining authority became *functus officio* and thereby the detenu lost the valuable right of his consideration before the detaining authority since the Government by then had granted the approval. To substantiate this submission, the learned counsel relied upon the judgment in ***S.Bhuvaneshwari v. the State and others*** in HCP(MD) No.1493 of 2017 dated 01.02.2018 and ***Rajalakshmi v. the State and others*** in HCP(MD) No.1520 of 2015 dated



02.12.2015.



3. The learned Additional Public Prosecutor seeks for some time to make submissions. Post  
on 20.04.2026.

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**(N.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)**  
**15-04-2026**

To

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

2. The District Magistrate and District Collector  
O/o.The District Magistrate and District Collector  
Virudhunagar.

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

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