



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.338 of 2026

K.Velammal

.. 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,
Tirunelveli District,
Tirunelveli.

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

.. 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 M.H.S.Confdl No.138 of 2025 dated 01.11.2025 and quash the same and direct the respondents to produce the detenu or body of the detenu, namely, the petitioner's son, Vanumamalai @ Kurali Vanumamalai, aged about 38 years, s/o. Krishnan, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.N.Pragalathan

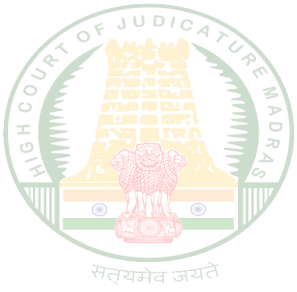
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name, Vanumamalai @ Kurali Vanumamalai, aged about 38 years, s/o. Krishnan. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No. 138 of 2025 dated 01.11.2025, 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 there were totally four adverse cases against the detenu apart from the ground case and in the fourth adverse case and the ground case, bail was not granted to the detenu. However, the Detaining Authority has taken into consideration the order passed in CrI.M.P.No.5043 of 2024 dated 19.08.2024 insofar as the fourth adverse case is concerned and the order passed in CrI.M.P.No.8429 of 2024 dated 27.11.2024 insofar as the ground case is concerned and has come to a conclusion that in a similar case, bail has been granted 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 is not a similar case and therefore, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in CrI.M.P.No. 8429 of 2024 dated 27.11.2024 which was relied upon insofar as the ground case is concerned. That was a case where the Court found that no one sustained injuries during the occurrence and investigation was almost completed. The Court also took into consideration the period of



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incarceration suffered by the accused therein. In the case in hand, investigation was pending and certainly, the order that was relied upon by the Detaining Authority cannot be considered to be a similar case and consequently, the detention order suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.138 of 2025 dated 01.11.2025, passed by the second respondent is set aside. The detenu, viz., Vanumamalai @ Kurali Vanumamalai, aged about 38 years, s/o. Krishnan, 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.



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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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