

HCP(MD)No.371 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.04.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.371 of 2026

Esakkiyammal

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat
Chennai -9..

2. The District Collector and District Magistrate
Thoothukudi District
Thoothukudi.

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 entire records connected with the detention order of the respondent No.2 in HS(M) Confdl. No.132/2025 dated 29.11.2025 and quash the same and direct the respondents to produce the detenu by name Muthukalyani, son of Thangaraj aged about 24 years,



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now detained in Palayamkottai Central Prison, before this court and set him at liberty forthwith.

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For Petitioner : M/s.R.Vinoth Bharathi

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 viz.,Muthukalyani S/o.Thangaraj aged about 24 years. The detenu has been detained by the second respondent by his order in Respondent No.2 in HS(M) Confdl. No.132/2025 dated 29.11.2025 holding him to be a "Goonda", as contemplated under Section 2(f) of 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.

3. Apart from the other grounds that were raised, one of the main ground that was raised by the learned counsel for the petitioner is that the



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detaining authority was aware of the fact that bail petition filed by the detenu in the ground case was pending and in spite of the same, the detaining authority relied upon the order passed in Cr.M.P.No.1297 of 2025 dated 09.04.2025 and came to the conclusion that bail has been granted in similar case and therefore, there is likelihood of the detenu coming out on bail. The learned counsel therefore submitted that the order that was relied upon by the detaining authority is not a similar case. Hence, the detention order suffers from non application of mind.

4. In the case in hand, there were five adverse cases against the detenu. The 5th adverse case is for offence under the NDPS Act involving 1.005 kgs of ganja, which is intermediate quantity. In the bail order that was relied upon by the detaining authority, in Cr.M.P.No.1297 of 2025, there were two previous cases against the accused therein, which was for offence under Section 324 IPC. In the case in hand, the detenu had five adverse cases against him, out of which, one case involved NDPS offence for possession of intermediate quantity of ganja. Therefore, the similar case relied upon by the detaining authority cannot be considered to be similar case. Consequently the detention order suffers from non application of



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mind. Accordingly, the detention order is liable to be quashed.

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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in HS(M) Confdl. No.132/2025 dated 29.11.2025 passed by the second respondent is set aside. The detenu, viz., Muthukalyani S/o.Thangaraj aged about 24 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.)
30.04.2026

Index : Yes/No

Internet : Yes/No

RR

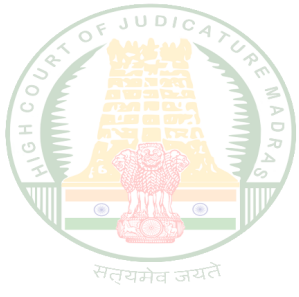
To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat, Chennai -9..

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

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

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.**

RR

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