



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.365 of 2026

S.Maharaja

.. Petitioner / Brother 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,
Thoothukudi District, Thoothukudi.

3.The Superintendent of Prison,
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 records connected with the detention order passed in H.S.(M) Confdl No.130/2025 dated 23-11-2025 on the file



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of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu, namely, the petitioner's brother, i.e., Arunkumar, aged about 23 years, s/o. Subbaiah, 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 brother of the detenu, by name, Arunkumar, aged about 23 years, s/o. Subbaiah. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl No.130/2025 dated 23-11-2025, 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.

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



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is that the Detaining Authority had stated in the detention order that the remand of the detenu was extended up to 21.11.2025 and thereafter, it was extended up to 04.12.2025. However, in the paper book that was supplied, what is available is only the request from the Jail Authority for extension of remand and the extension of remand order does not form part of the paper book. In view of the same, it is contended that the Detaining Authority has arrived at such a conclusion without any supporting materials.

4. We have carefully gone through the detention order and also the materials that were relied upon by the Detaining Authority. The Detaining Authority has specifically stated in the detention order that the remand was extended up to 21.11.2025 and that there was a subsequent extension up to 04.12.2025. Except for the requisition from the jail authorities, the remand extension order does not form part of the paper book. Hence, without any materials to substantiate that the remand has been extended by an order passed by the competent Court, the Detaining Authority has come to such a conclusion. This clearly reflects the non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl No.130/2025 dated 23-11-2025, passed by



the second respondent is set aside. The detenu, viz., Arunkumar, aged about 23 years, s/o. Subbaiah, 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 Commissioner of Police,
Tirunelveli City, 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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