

HCP(MD)No.1068 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 21/01/2026

CORAM

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS JUSTICE R.POORNIMA

HCP(MD)No.1068 of 2025

Fathima : Petitioner/Wife of the detenu

Vs.

- 1.The Secretary to the Government of India,
Ministry of Home Affairs (Department of Internal Security),
North Block,
New Delhi-110 001.
- 2.The State of Tamilnadu Represented by
Joint Secretary to Government,
Public (Law & Order-F) Department,
Secretariat, Chennai-2.
- 3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 4.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

: Respondents



HCP(MD)No.1068 of 2025

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, calling for the records from the 3rd respondent in No.2/NSA/2025, dated 30/05/2025 by setting aside the said order of detention passed by the 3rd respondent and setting the detenue Shiek Mohammed, S/o.Kani, at liberty now detained in the Central Prison, Palayakottai and to pass such further or other orders.

For Petitioner	: Mr.K.Prabhu for Mr.K.Jeyamohan
For 1 st Respondent	: M/s.G.Vidhya Maheswaran Central Government Standing Counsel
For R2 to R4	: Mr.T.Senthil Kumar Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

The petitioner is the wife of the detenu viz, Sheik Mohammed, aged about 48 years. The detenu has been detained by the third respondent, by his order in No.2/NSA/2025, dated 30/05/2025.

2.We have heard the learned counsel appearing for the petitioner and the learned Central Government Standing appearing for the 1st respondent as well as the Additional Public Prosecutor appearing for the



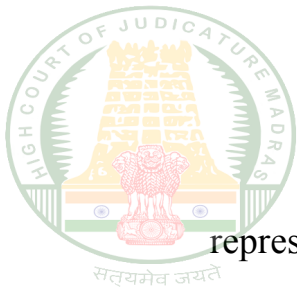
HCP(MD)No.1068 of 2025

respondents 2 to 4. We have also perused the records produced by the

Detaining Authority.

3.The detenu was arrested and remanded to judicial custody on 10/05/2025 in pursuant to the Crime No.248 of 2025 on the file of the Palayamkottai Police Station, for the offences under Sections 152, 299, 197(1)(d), 353(1)(c) of BNS 2023 and thereafter, the Investigating Officer recommended the detenu/accused for detaining him under National Security Act, 1980 and accordingly, the Detaining Authority detained the detenu, by the impugned order, dated 30/05/2025.

4.The learned counsel for the petitioner raised grounds that the Detaining Authority failed to state the cogent reasons for its satisfaction to detained the detenu under NSA Act. He further submits that Section 3(5) of the National Security Act says that any order is passed or approved by the State Government, it shall within 7 days report the fact to the Central Government together with grounds on which the order has been made against the detenu. However, the State Government failed to send any report to the Central Government as contemplated under Section 3(5) of the National Security Act. He also submits that the



HCP(MD)No.1068 of 2025

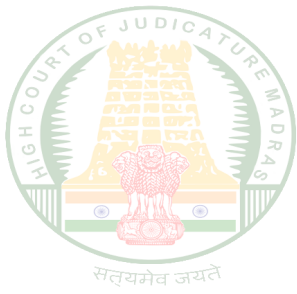
representation of the petitioner, dated 06/06/2025 was rejected only on 11/07/2025 and there was a huge delay in considering the representation of the petitioner and as such, it caused prejudice to the detenu.

5.On perusal of the counter affidavit filed by the third respondent reveals that the detenu was arrested on 10/05/2025 and remanded to judicial custody in pursuant to the registration of the FIR in Crime No.248 of 2025 for the offences under Sections 152, 299, 197(1)(d), 351(1)(c) of BNS, 2023. Thereafter, the detenu was detained under NSA Act, on 20/05/2025. But the State Government failed to send a report to the Central Government within a period of seven days from the date of the detention order.

6.At this juncture, it is relevant to extract Section 3(5) of the National Security Act, which reads as under:-

“3.Power to make orders detaining certain persons.—

- (1).....
- (2).....
- (3).....
- (4)...



WEB COPY



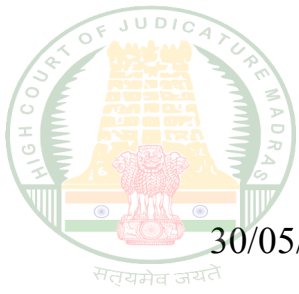
HCP(MD)No.1068 of 2025

(5)When any order is made or approved by the State Government under this section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.”

Thus, it is clear that the State Government shall within seven days report about the order of detention to the Central Government.

7.On further perusal of the counter affidavit filed by the third respondent reveals that the report of the detention order was sent to the Central Government only on 10/06/2025, by its Office Letter No.775, L & O-F/2025-1. There was an unexplained delay of 3 days. There is also no explanation for the delay caused by the State Government to send a report to the Central Government. On that sole ground, the impugned order of detention cannot be sustained and the same is liable to be quashed.

8.In the result, the Habeas Corpus Petition is **allowed** and the order of detention passed by the 3rd respondent in No.2/NSA/2025, dated



HCP(MD)No.1068 of 2025

30/05/2025 is set aside. The detenu viz., Shek Mohammed, S/o.Kani,

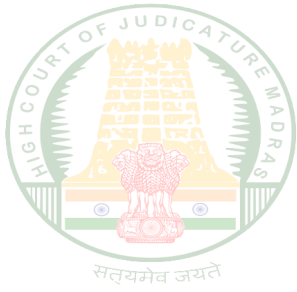
WEB COPY

aged about 48 years, is directed to be released forthwith unless his detention is required in connection with any other case. Further, the concerned Trial Court is directed to dispose of the bail application, if any filed by the detenu, on its own merit and in accordance with law, without influencing any of the observations made by this Court in this petition.

(G.K.I., J.) (R.P., J.)

21-01-2026

Index: Yes/No
Internet: Yes/No
er



WEB COPY



HCP(MD)No.1068 of 2025

G.K.ILANTHIRAIYAN,J
and
R.POORNIMA,J

er

To,

- 1.The Joint Secretary to Government,
Public (Law & Order-F) Department,
Secretariat, Chennai-2.
- 2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

HCP(MD) No.1068 of 2025

21/01/2026