



H.C.P.(MD)No.1111 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2026

CORAM:

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

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Mariyanayagam

... Petitioner

-VS-

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate,
Office of the District Magistrate and District Collector
Virudhunagar

3. The Superintendent of Prison
Madurai Central Prison
Madurai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the second



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respondent in Crl.M.P.No.13 of 2025 (Economic Offender) dated 02.08.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Gangadharan, son of Sankaranarayan, aged about 40 years now detained at Madurai Central Prison, before this Court and set him at liberty forthwith

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the wife detenu viz., Gangadharan, son of Sankaranarayan, aged about 40 years . The detenu has been detained by the second respondent by his order in detention order in Crl.M.P.No.13 of 2025 (Economic Offender) dated 02.08.2025 holding him to be a "Economic Offender", as contemplated under Section 2(ee) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

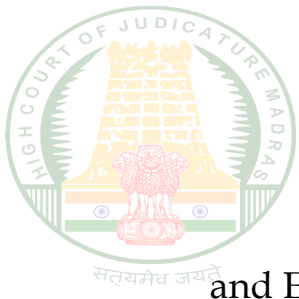


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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel appearing for the petitioner raised ground that the detenu was arrested and remanded to judicial custody on 07.07.2025 and thereafter the detention order was passed on 02.08.2025. Though the detenu was arrested on 07.07.2025 the alleged crime had occurred during the month of April 2024 and in the month of May the complaint was lodged and the First Information Report was registered after a period of three months. The detenu was arrested and remanded to judicial custody on 07.07.2025 and therefore there is not proximate link between the crime committed and the date of passing detention order. Further the detaining authority was delegated power to detain the detenue under G.O.(D) Ms.No.233, Home, Prohibition



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and Excise (XVI) Department dated 16.07.2025 for a period of three months. In the tamil version the said order did not contain 'Economic Offender', however it is very much available in the english version, it shows non application of mind on the part of the detaining authority as well as the Government. When the detenu was branded as Economic Offender it may be included in the powers delegated which is granted in favour of the detaining authority. Further the detenu was shown with one adverse case and one ground case, there is no bail application in the adverse case. That apart the detaining authority had shown similarly placed accused persons bail order which is not connected in accordance with the economic offence. Therefore the detaining authority without even stating any reasons have detained the detenu and passed order.

4. A perusal of the record and the submission of the learned Additional Public Prosecutor it reveals that the detenu



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had committed very offence as against the society. In the ground case, so far the detenu has cheated more than Rs.9.75 Crores. At the time of registration of the First Information Report there was only deposits to the tune of Rs.5 Crores. Even during pending investigation the number of depositors have increased. Further the detenu was served with detention order in tamil and english. In the tamil version the word 'Economic offender' is missing however in the english version 'Economic Offender' is found. Further the detenu was arrested and remanded to judicial custody on 07.07.2025 and immediately on 02.08.2025 the detenu was branded ad Economic Offender and detained under Act.14 of 1982,therefore it cannot be stated that there is no proximate link between the crime committed and the date of passing detention order. Further the detenue's application for bail was dismissed and those similarly placed persons who had committed offence under Section 420 of IPC was granted bail.



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5. In view of the same, this Court finds no infirmity or illegality in the order passed by the second respondent, hence the petition stands dismissed.

[G.K.I., J.] [R.P., J.]
16.02.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
aav

To

1. The Principal Secretary to Government,
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Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of 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.



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