



H.C.P.(MD)No.1211 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.02.2026

CORAM:

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

H.C.P.(MD)No.1211 of 2025

Nadiyammal

... Petitioner

-VS-

State of Tamil Nadu

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

2.The District Collector and District Magistrate
Tiruchirappalli District
Tiruchirappalli

3.The Superintendent of Prison
Central Prison
Tiruchirappalli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the R2 made in his proceedings in CrI.MP.No.66/2025 dt 23.07.2025 and direct the



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respondents to produce the detenu Kriti @ Kattaiyan @ Santhakumar, S/o.Ravi, aged 21 years who is detained in Central Prison, Tiruchirapalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

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 mother of the detenu viz., Kriti @ Kattaiyan @ Santhakumar, S/o.Ravi, aged 21 years . The detenu has been detained by the second respondent by his order in Detention order in CrI.MP.No.66 of 2025 dated 23.07.2025 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. We have also perused the records produced by the Detaining Authority.



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3. The learned counsel appearing for the petitioner raised a ground that detention order dated 23.07.2025 was sent to the Government for its approval only on 28.07.2025 hence there was an unexplained delay of 5 days in sending the order of detention for its approval, which is in clear violation of Section 3(3) of the Tamil Nadu Goondas Act, 14 of 1982.

4. It is relevant to extract the Section 3(3) of the Tamil Nadu Act 14 of 1982:-

“3(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.”



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5. It is seen from the records that in this case, the order of detention was passed on 23.07.2025 and the same was sent to the Government only on 28.07.2025. The date of detention order 23.07.2025 however, the detaining authority had taken five days time for sending the same to the Government for approval. On this sole ground alone the order of detention cannot be sustained and the same is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in CrI.MP.No.66 of 2025 dated 23.07.2025, passed by the second respondent is set aside. The detenu, viz., Kriti @ Kattaiyan @ Santhakumar, S/o.Ravi, aged 21 years , is directed to be released forthwith unless his detention is required in connection with any other case.

[G.K.I., J.] [R.P., J.]
17.02.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
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Madurai Bench of Madras High Court,
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