

H.C.P.(MD)No.1261 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.02.2026

CORAM:

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

H.C.P.(MD)No.1261 of 2025

M.Kalidass

... Petitioner

-VS-

State of Tamil Nadu

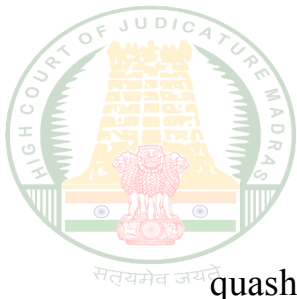
1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
St. George Fort,
Chennai-600 009.

2.The District Magistrate and District Collector
Tirunelveli District
Tirunelveli

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

... 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 passed in M.H.S.Confdl. No89 of 2025 dated 01.08.2025 on the file of the second respondent herein and



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quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son i.e., Esakkimuthu@ Mugesh aged about 20 years S/o.Kalidass now detained at Central Prison, Palayamkottai before this Court and set him at liberty forthwith

For Petitioner : Mr.N.Pragalathan
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 father of the detenu viz., Esakkimuthu@ Mugesh aged about 20 years S/o.Kalidass . The detenu has been detained by the second respondent by his order in Detention order in M.H.S.Confdl. No.89 of 2025 dated 01.08.2025 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



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Authority.

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3. The learned counsel appearing for the petitioner raised a ground that the the detention order was passed on 01.08.2025 which was sent to the Government for its approval only on 06.08.2025, thereby there was an unexplained delay of five days 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.”

5. It is seen from the records that in this case, the order of



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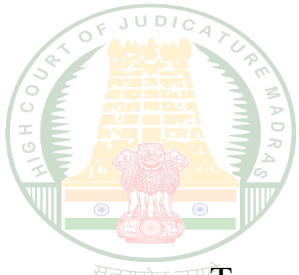
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detention was passed on 01.08.2025 and the same was sent to the Government only on 06.08.2025. The date of detention order 01.08.2025 however, the detaining authority had taken five days time for sending the same to the Government for approval. On 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 M.H.S.Confdl. No.89 of 2025 dated 01.08.2025 passed by the second respondent is set aside. The detenu, viz., Esakkimuthu@ Mugesh aged about 20 years S/o.Kalidass , is directed to be released forthwith unless his detention is required in connection with any other case.

[G.K.I., J.] [R.P., J.]
24.02.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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