



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.01.2015
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION(MD)No.1110 of 2014

Mekala,
W/o.Saravanan @ Saravanakumar,
Vikkiramangalam,
Usilampatti,
Madurai District. .. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St George,
Chennai - 600 009.
2.The District Collector,
Madurai District,
Madurai. .. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus praying to call for the records relating to the detention order passed by the second respondent in C.M.P.No.21/2014, dated 25.08.2014 and quash the same and direct the respondents to produce the detenu Saravanan @ Saravanakumar, Son of Jeganathan, male, aged 30 years, who is detained in Central Prison, Madurai before this Court and set him at liberty and pass such further or other orders.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.A.Ramar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **A.SELVAM, J**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to detention order passed in C.M.P.No.21/2014, dated 25.08.2014 by the detaining authority, who has been arrayed as second respondent herein, against the detenu by name Saravanan @ Saravanakumar, Son of Jeganathan and quash the same and thereby set him at liberty forthwith.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Inspector of Police, NIB.CID Unit, Madurai as sponsoring authority has submitted an affidavit to the detaining authority wherein



it is stated to the effect that the detenu has involved in the following adverse cases:

(i) Crime No.78 of 2013 on the file of Vikkiramangalam Police Station registered under Section 8(c) read with 20(b)(ii)(B) of NDPS Act, 1985.

(ii) Crime No.149 of 2013 on the file of Madurai NIB CID Unit registered under Section 8(C) read with 20(b)(ii)(B) of NDPS Act 1985.

(iii) Crime No.148 of 2013 on the file of Theni NIB CID Unit registered under Section 8(C) read with 20(b)(ii)(C) of NDPS Act, 1985.

3. Further it is stated in the affidavit that on 05.07.2014, the Inspector of Police, Madurai NIB CID Unit has intercepted a vehicle bearing Registration No.TN-58-AE 2766 and ultimately found that the detenu is in possession of 25 kgs of Ganja and ultimately, a case has been registered in Crime No.123 of 2014 under Section 8(C) read with 20(b)(ii)(c) and 25 of NDPS Act and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

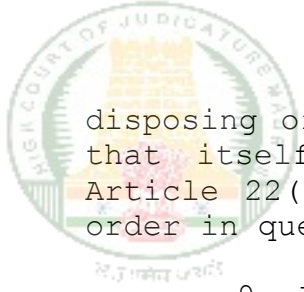
4. The detaining authority, after perusing the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Drug Offender' by way of passing the impugned detention order and in order to quash the same, the present Habeas Corpus Petition has been filed by the wife of the detenu as petitioner.

5. On the side of the respondents, a detailed counter has been filed, wherein it has been contended *inter alia* to the effect that all the averments made in the petition are false and ultimately prayed to dismiss the same.

6. The learned counsel appearing for the petitioner has contended that on the side of the detenu, three representations have been given and the same have not been disposed of without delay and therefore, the detention order in question is liable to be quashed.

7. Per contra, the learned Additional Public Prosecutor has contended that all the representations submitted on the side of the detenu have been duly disposed of without delay and therefore, the detention order in question is not liable to be quashed.

8. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that with regard to first representation in between column Nos.7 to 9 five clear working days are available and in between column Nos.12 and 13 four clear working days are available and likewise, with regard to second representation in between column Nos.7 to 9 ten clear working days are available and in between column Nos.12 and 13 one clear working day is available and likewise, with regard to third representation in between column Nos.7 to 9 seventeen clear working days are available and no explanation has been given on the side of the respondents with regard to huge delay in



disposing of the representations submitted on the side of the detenu and that itself would affect the rights of the detenu guaranteed under Article 22(5) of the Constitution of India and therefore, the detention order in question is liable to be quashed.

9. In fine, this Habeas Corpus Petition is allowed and the order of detention, dated 25.08.2014 in C.M.P.No.21/2014 passed by the second respondent/detaining authority is quashed and consequently, the detenu Saravanan @ Saravanakumar, Son of Jeganathan is ordered to be set at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-
Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

- 1.THE SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT ST GEORGE,
CHENNAI - 600 009.
- 2.THE DISTRICT COLLECTOR,
MADURAI DISTRICT,
MADURAI.
3. THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI (IN DUPLICATE TO COMMUNICATE THE DETENUE)
4. THE SECRETARY TO GOVERNMENT PUBLIC (LAW & ORDER)
GOVT. OF TAMIL NADU, CHENNAI-9
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to MR.M.RAMU, ADVOCATE SR.NO.4174

ORDER MADE IN
H.C.P (MD) No.1110 of 2014
30.01.2015

PS

NA/02/02/2015/P3/8C