



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.01.2015

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

H.C.P. (MD) No.986 of 2014

O.Veerammal

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition & Excise Department,
State of Tamilnadu, Secretariat, Chennai - 9.

2.The District Magistrate & District Collector,
O/o.District Magistrate & District Collector,
Dindigul District, Dindigul.

3.The Inspector of Police,
NIB CID Unit,
Dindigul District, Dindigul.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for entire records connected with the detention order dated 07.08.2014 passed by the 2nd respondent in Detention Order No.22 of 2014 and quash the same and direct the respondents to produce the petitioner's son Asaikodi aged about 32 years S/o.Otchappan now detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.M.A.Jinnah

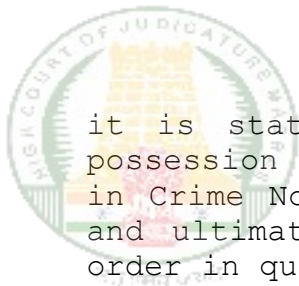
For Respondents : Mr.A.Ramar
Addl.Public Prosecutor

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 the detention order dated 07.08.2014 passed in Detention Order No.22 of 2014 by the detaining authority who has been arrayed as second respondent herein against the detenu by name Asaikodi and quash the same and thereby set him at liberty forthwith.

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



it is stated that on 22.06.2014 the detenu and others are found in possession of 54 kgs of ganja and consequently a case has been registered in Crime No.70 of 2014 under Sections 8(C) R/w 20(b)(ii)(C) of NDPS Act and ultimately requested the detaining authority to pass the detention order in question.

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3. The detaining authority after perusing the averments made in the affidavit and other connected documents has branded the detenu 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 mother of the detenu as petitioner.

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

5. The learned counsel appearing for the petitioner has contended that on the side of the detenu a representation has been submitted and the same has not been disposed of without delay and therefore, the detention order in question is liable to be quashed.

6. The learned Additional Public Prosecutor has contended that the representation submitted on the side of the detenu has been disposed of without delay and therefore, the detention order in question does not require any interference.

7. On the side of the respondents, a proforma has been submitted, wherein it has been clearly stated that in between column Nos.7 and 9, 24 clear working days are available and in between column Nos.12 and 13, 3 clear working days are available and no explanation has been given on the side of the respondents with regard to such huge delay and that itself would affect 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.

8. In fine, this Habeas Corpus Petition is allowed and the detention order dated 07.08.2014 passed in Detention Order No.22 of 2014 by the detaining authority/second respondent herein is quashed and the detenu by name Asaikodi is ordered to be set at liberty forthwith, unless he is required to be incarcerated in any other case.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home, Prohibition & Excise Department,
State of Tamilnadu, Secretariat, Chennai - 9.



2.The District Magistrate & District Collector,
O/o.District Magistrate & District Collector,
Dindigul District, Dindigul.

3.The Superintendent,
Central Prison, Madurai.

(In the duplicate for communication for detenu)

4.The Joint Secretary to Government,
Public (Law & Order), Fort ST.GEORGE, Chennai-9.

5.The Inspector of Police,
NIB CID Unit,
Dindigul District, Dindigul.

6.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.986 of 2014
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