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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.08.2015**

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No. 463 of 2015

(In the matter of the detenu Maharajan S/o. Mookkan made aged 38 years)

Amaravathi

.. Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.

2. The District Collector and District Magistrate,
Theni District,
Theni.

3.The Superintendent of Police,
Theni District,
Theni.

4.The Inspector of Police,
Cumbum North Police Station,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the records relating to the detention order passed by the 2nd respondent in Detention order No.16/2015/C3, dated 25.03.2015 and quash the same and direct the respondents to produce the detenu, Thiru.Maharajan, son of Mookkan, male, aged 38 years, who is detained at Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner

: Mr.S.Muniyandi

For Respondents

: Mr. T.Mohan,
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by **V.S.RAVI,J**]

The petitioner is the wife of one Maharajan. The detenu has been detained as per the order of the second respondent under Section 2(e) of the Tamil Nadu Act 14 of 1982, branding him as "**Drug Offender**".



11. Applying the said dictum laid down by the Hon'ble Supreme Court, if we look into the facts of the present case, undoubtedly, there is an inordinate and unexplained delay of thirteen working days and therefore, the impugned detention order is liable to be quashed.

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12. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in Detention Order No.16/2015/C3, dated 25.03.2015, is quashed. The detenu, by name, Maharajan, son of Mookkan, male, aged 38 years is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

- To
1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.
 - 2 The Joint Secretary, Government of Tamil Nadu,
Public (Law & order) Department, Fort St. George, Chennai 600 009.
 3. The District Collector and District Magistrate,
Theni District,
Theni.
 4. The Superintendent of Police, Theni District, Theni.
 5. The Superintendent of Prison, Madurai Central Prison, Madurai.
 6. The Inspector of Police,
Cumbum North Police Station,
Theni District.
 7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.S.Muniyandi, Advocate in SR.No 47340.

TS/20.08.2015/3P - 9C AMF/SAR -II

ORDER MADE IN
H.C.P (MD) No.463 of 2015

18.08.2015