



HCP(MD)No.483 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mrs. Justice **R.HEMALATHA**

H.C.P.(MD)No.483 of 2022

S.Vasantha

... Petitioner/mother of detenu

Vs

1.The State of Tamilnadu rep. by its
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George
Chennai-9.

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

3.The Superintendent of Central Prison,
Central Prison
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records of the detention order of the 2nd respondent in proceedings in Detention Order No.01/2022 dated 10.01.2022 and quash the same and consequently direct the respondents to produce the detenu namely Ramkumar, aged about 25 years, son of Surulimani before



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this Court, who is detained at Central Prison, Madurai and set him at liberty.

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For Petitioner : Mr.M.Kannan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

The petitioner is the mother of the detenu viz., Ramkumar, aged about 25 years, S/o.Surulimani. The detenu has been detained by the second respondent by his order in Detention Order No.01/2022 dated 10.01.2022 holding him to be a "Drug Offender", as contemplated under Section 2(e) 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.

3. It is seen that the detenu has allegedly involved in Allinagaram



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Police Station Crime No.621/2021 for the offences under Section 8(c) Read with 20(b) (ii) (C) NDPS Act, 1985 for possession of 21 kgs. of Ganja. In Paragraph No.4 of the grounds of detention, the detaining authority has stated as follows:

“4.From the materials placed before me, I am satisfied that the accused Thiru.Ramkumar **“committed crimes continuously”** and also acted in a manner prejudicial to the maintenance of public order and public health and as such he is a 'Drug Offender' as contemplated under the provision of Section 2(e) of Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982) (Section 2(e) of the Tamil Nadu Act 14 of 1982). By committing the above described offences, accused Thiru.Ramkumar causes wide spread danger to public order and public health.”

However, apart from the ground case, the grounds of detention does not show any other case against the said detenu. Therefore, the averments in Paragraph No.4 that the detenu has committed crimes continuously shows non application of mind on the part of the detaining authority and hence, the



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detention order is liable to be quashed.

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4. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.01/2022 dated 10.01.2022 passed by the second respondent is set aside. The detenu, viz., Ramkumar S/o.Surulimani, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.H.,J.)
22.08.2022

Index : Yes/No

Internet : Yes

RR

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George
Chennai-9.

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

3.The Superintendent of Central Prison,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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