



HCP(MD)No.1064 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.07.2022

CORAM

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

H.C.P.(MD)No.1064 of 2022

T.Selvi

.. Petitioner /mother of the
detenu

Vs.

1.State of Tamil Nadu

Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate

Thoothukudi District
Thoothukudi.

3. The Superintendent of Prison,

Central Prison,
Palayamkottai, Tirunelveli District

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records connected with the detention order passed in H.S.(M) Confdl. No.142/2021 dated 28.09.2021 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie.,



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Packishkumar, aged about 26 years, S/o.Thommaiponraj, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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., Packishkumar, S/o.Thommaiponraj, aged about 26 years. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl. No.142/2021 dated 28.09.2021 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. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the copy of the first remand order and remand



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extension order have not been furnished to the detenu in vernacular language, despite the same has been sought for by the petitioner in her representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, the representation made by the petitioner dated 24.06.2022, she had sought for the first remand order of the learned Judicial Magistrate, No.I, Thoothukudi, however, the same has not been furnished to the detenu in vernacular language, which vitiates the order of detention.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M) Confdl. No.142/2021 dated 28.09.2021 passed by the second respondent is set aside. The detenu, viz., Packishkumar, aged about 26 years, S/o.Thommaï Ponraj, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.H.,J.)
19.07.2022

Index : Yes/No

Internet : Yes

RR



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To

1. The Principal Secretary to Government,
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Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate
Thoothukudi District
Thoothukudi.
3. The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
R.HEMALATHA,J.

RR

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