



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**

and

The Honourable Mrs. Justice **R.HEMALATHA**

H.C.P.[MD]No.1593 of 2021

Malai Alagu .. Petitioner / Mother of the Detenue
Vs.

1.The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the detention order passed in No.50/BCDFGISSSV/2021 dated 28.09.2021 on the file of the second 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., Siva, aged about 27 years, S/o. Esakki Thevar, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Siva, male, aged about 27 years, son of Esakki Thevar. The detenu has been detained by the second respondent by his order in No.50/BCDFGISSSV/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 and we have also perused the records carefully.

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 detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, 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 Page Nos.169 & 171 of the booklet, it is clear that the documents relating to the list of properties sent to the Magistrate is not legible. Thus, the impugned detention order is liable to be set aside on this ground.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in No.50/BCDFGISSSV/2021 dated 28.09.2021, passed by the second respondent is set aside. The detenu, viz., Siva, male, aged about 27 years, son of Esakki Thevar, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

MR

To:

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

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

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



3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

4.The Joint Secretary to Government,
Public (Law & Order),
Fort saint George, Chennai-600 009.

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

H.C.P. [MD]No.1593 of 2021
15.06.2022

RD(23.06.2022) 3P 6C